



Comparative Examples of Noise Levels

Noise Source	Decibel Level	Decibel Effect
Jet take-off (at 25 meters) Recommended product: Outdoor Noise Barriers	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure.
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage in 8 hour exposure.
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 hour exposure.

Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 feet.	60	Half as loud as 70 dB. Fairly quiet.
Quiet suburb, conversation at home. Large electrical transformers at 100 feet.	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area.	30	One-sixteenth as loud as 70 dB. Very Quiet.
Whisper, rustling leaves	20	
Breathing	10	Barely audible

ARTICLE III. NOISE¹

Sec. 10-66. Short title.

This article may be cited as the "Mesquite Noise Ordinance."

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Sec. 10-67. Purpose.

This article is adopted to prevent unlawful noise disturbances and excessive vibration to protect the general health, safety, and welfare of the City's inhabitants and is also intended to safeguard the well-being, quality of life, and tranquility of the community.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Sec. 10-68. Enforcement.

This article may be enforced by peace officers and other enforcement officials or enforcement agents as may be authorized by law or as may be designated by the City Manager.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—Authority to issue citations to appear in Municipal Court; Chapter 1, Section 1-7.

Sec. 10-69. Abbreviations and acronyms.

The following abbreviations and acronyms may be used within this chapter or other City resource materials:

1. dB: Decibel or Decibels
2. dB(A) or dBA: A-weighted Sound Level
3. dB(C) or dBC: C-weighted Sound Level
4. Leq or LAeq: Equivalent Continuous Sound Pressure Level

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

¹Editor's note(s)—Ord. No. 4850, § 4(Exh. C), adopted March 15, 2021, repealed the former Article III, §§ 10-66—10-77, and enacted a new Article III as set out herein. The former Article III pertained to similar subject matter and derived from Code 1960; Ord. No. 2964, adopted March 21, 1994; Ord. No. 3044, adopted August 7, 1995; Ord. No. 4708, adopted September 3, 2019; and Ord. No. 4826, adopted November 16, 2020.

Cross reference(s)—Mobile vendors, § 8-247; noise, App. C, § 1-402.

State law reference(s)—Vehicle horns and warning devices, Vernon's Ann. Civ. St. art. 6701d, § 133.

Sec. 10-70. Definitions.

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound level shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighted network and the Fast response setting. This level is designated dB(A) or dBA.

Background sound pressure level shall mean that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and the specific sound from the source under investigation.

Background sounds are those that are relatively constant at the point of measurement.

Boundary line shall mean the line along the ground surface and its vertical extension which separates the real property owned, leased or occupied by one (1) person from that owned, leased, or occupied by any other person and the imaginary line which represents the legal limits of property of any person who owns, leases or otherwise occupies an apartment, condominium, hotel or motel room, office or any other type of occupancy.

C-weighted sound level shall mean the sound pressure level in decibels as measured on a sound level meter using the C-weighted network and the Fast response setting. This level is designated dB(C) or dBC.

Construction shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition.

Construction-related activities shall mean and involve construction, demolition, excavation, or repair, of any nature, of a building, structure, or flatwork.

Daytime shall mean the hours between 7:00 a.m. and 10:00 p.m.

Decibel shall mean a logarithmic unit of measure often used in measuring magnitudes of sound. Represented by the symbol dB.

Demolition shall mean any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property, but excluding construction.

Enforcement Agent means any authorized person designated by the City Manager, in accordance with City Code Section 1-7, to enforce and administer this article and includes Peace Officers.

Extraneous sound shall mean a short-duration or intermittent sound that is neither part of the background sound, nor comes from the sound source under investigation.

Holidays shall mean any holiday observed by the City of Mesquite.

Impulsive sound shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Industrial shall mean any premises where manufacturing, processing or fabrication of goods or products takes place.

Leq shall mean an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same period. The time period of monitoring will be continuous over a minimum of fifteen (15) minutes and will use the A-weighting network reported in decibel units.

Nighttime shall mean the hours between 10:01 p.m. and 6:59 a.m.

Noise shall mean any specific sound which:

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- (1) Is done, accomplished, or carried on in such a manner, or with such a loud volume, intensity, or with continued duration, so as to exceed what is usual, necessary, or normal; or
 - (2) Is louder than permitted in this chapter.

Noise disturbance shall mean an offense (Section 10-71) in violation of this article.

Noise variance shall mean a suspension of the literal enforcement of the noise provisions identified in this City Code. Noise variances are reviewed and approved by the Board of Adjustment in accordance with the process and procedures identified in Chapter 8, Article XVII, Division 3—Noise Variance.

Noise Zones are established based on the use of the property as may be described in this Article. Noise Zones are not associated to zoning districts established in the Mesquite Zoning Ordinance.

Person shall have the meaning assigned in Chapter 1, Section 1-2 of the Code.

Plainly audible shall mean any noise that can be detected by a peace officer or other enforcement agent using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible noise. The peace officer or other enforcement agent need not determine the title, specific words, or the artist performing the song.

Pure tone shall mean any sound that can be distinctly heard as a single pitch or a set of single pitches.

Sound shall mean an oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sound level meter shall mean a device for measuring the level of noise, music, and other sounds.

Sound pressure level shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (twenty (20) × one hundred six (106) Newtons/meter²).

Specific sound shall mean any sound that is clearly distinguishable from the background sounds.

Temporary noise permit shall mean an administrative approval, reviewed and approved by the City Manager or his/her designee, allowing noise during days and times in which noise may not otherwise be permissible or to allow noise to exceed the permissible decibel limitations of this article on a temporary basis. Temporary noise permits are issued in accordance with the process and procedures identified in Chapter 8, Article XVII, Division 2—Temporary Noise Permit.

Vibration shall mean a temporal and spatial oscillation of displacement, velocity or acceleration in a solid material.

Vibration perception threshold shall mean the minimum ground- or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Sec. 10-71. Offenses.

- (a) *Noise Disturbance.* A person commits an unlawful noise disturbance in violation of this article, unless otherwise provided, if the person makes, causes to be made, or allows any noise:

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- (1) Such that it is a nuisance that annoys, distresses, or disturbs the quiet, comfort, or repose of any reasonable person with ordinary sensibilities
 - a. Located on the receiving property (at the curb line or boundary line of the receiving property), or
 - b. Located on the boundary line closest to the source of the sound; or
 - (2) Such that it is plainly audible by any peace officer or other enforcement agent
 - a. Located on the receiving property (at the curb line or boundary line of the receiving property), or
 - b. Located on the boundary line closest to the source of the sound, or
 - c. Located at fifty (50) feet, or more, from where the source of the sound is generated, if in a space accessible to the public or a public right-of-way; or
 - (3) Which exceeds the maximum permissible sound levels identified in Section 10-75.
- (b) *Other Noise Offenses.*
- (1) *Noise made by animals.* See Chapter 4 "Animals", Article VII, Section 4-266 (Noise made by animals), or successor, and as amended.
 - (2) *Muffler required.* See Texas Transportation Code, Title 7, Subtitle C, Chapter 547, Subchapter K, § 547.604 (Muffler required), or successor, and as amended.
 - (3) *Noise from the idling of commercial motor vehicles.* The City's authority to enforce control requirements for idling of commercial motor vehicles is derived from the Texas Administrative Code, Title 30, Part 1, Chapter 114, Subchapter J, Division 2 "Locally Enforced Motor Vehicle Idling Limitations", Rule § 114.510 et seq. See also, Mesquite City Code, Chapter 9 "Motor Vehicles and Traffic", Article XI, Section 9-342 (Noise from the idling of commercial motor vehicles), or successor, and as amended.
 - (4) *Disorderly conduct.* See Texas Penal Code, Title 9, Chapter 42, Section 42.01 (Disorderly Conduct), or successor, and as amended.
- (c) *Vibration Offenses.*
- (1) *Vibrations exceeding the maximum permissible level.* A person commits an offense if the person makes, causes to be made, or allows any vibration exceeding the maximum permissible sound level, as identified in Section 10-75.
 - (2) *Vibrations exceeding the vibration perception threshold.* A person commits an offense if:
 - a. The person makes, causes to be made, or allows any vibration; and
 - b. Such vibration is above the vibration perception threshold of a reasonable person with ordinary sensibilities:
 1. Located on the receiving property (at the curb line or boundary line of the receiving property), or
 2. Located on the boundary line closest to the source of the sound, or
 3. Located at fifty (50) feet, or more, from where the source of the sound is generated, if in a public space or public right-of-way.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—General penalties; applicability; continuing violations, Chapter 1, Sec. 1-6.

State law reference(s)—Disorderly conduct, V.T.C.A., Penal Code, Title 9, Chapter 42, § 42.01.

Sec. 10-72. Presumptions.

The following acts are presumed to be prohibited noises or excessive vibrations and are therefore declared to be an unlawful noise disturbance or vibration offense, in violation of this article:

1. *Advertising or attracting attention.* The crying, calling, or shouting, in person or by mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker, with or without amplifier, hand organ, or other devices or instruments, musical or otherwise, for the purpose of advertising any candidates for elective office, any goods, wares, or merchandise, or for the purpose of attracting attention to or inviting persons to any place of amusement, to any performance or show, or to any business or similar activity.
2. *Yelling, shouting, etc.* The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors or any other persons.
3. *Motor vehicle exhaust system.* Discharging, or permitting to be discharged into the open air, the exhaust of a motor vehicle or other vehicle except through a muffler, or similar device, which will effectively and efficiently prevent loud and unreasonable noises.
4. *Motor vehicles out of repair.* Operating or permitting to be operated any motor vehicle or other vehicle so out of repair or overloaded in such a manner, which emits or creates a loud and unreasonable noise.
5. *Motor vehicle horn or other signal device.* The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal.
6. *Loudspeakers used on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale or display of merchandise, or any other purpose.
7. *Stereo or other sound systems: Stationary or within a motor vehicle.* The playing of any stereo or other sound system, whether stationary or located within a motor vehicle, in such a manner or with such volume so as to create a loud and unreasonable noise or vibration which is above the vibration perception threshold.
8. *Radios, musical instruments, and similar devices.* The playing or permitting or causing the playing of any radio, television, stereo system, drum, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound in a manner that creates a loud and unreasonable noise or vibration which is above the vibration perception threshold.
9. *Any noise exceeding eighty-five (85) dB(A) with notice.* Any noise exceeding eighty-five (85) dB(A) after the person making the noise receives notice from a Peace Officer or City Enforcement Agent that the noise is a public nuisance.
10. *After-hours construction-related activities near residential dwellings.* Noise created by, nonemergency or not otherwise approved, after-hours construction-related activities, as defined in this article, within five hundred (500) feet of an occupied residential dwelling at any time between the hours of:

Before 7:00 a.m.	or	After 8:00 p.m.	Monday—Friday
Before 9:00 a.m.	or	After 8:00 p.m.	Saturday—Sunday and Holidays

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—Definitions, Section 10-70; Offenses, Section 10-71; Affirmative defenses, Section 10-73.

State law reference(s)—Disorderly conduct, V.T.C.A., Penal Code, Title 9, Chapter 42, § 42.01.

Sec. 10-73. Affirmative defenses.

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

1. The emission of sounds for the purpose of alerting persons to an emergency.
2. The noise was produced by an authorized emergency vehicle.
3. The noise generated by any vehicle of the City while engaged in necessary public business.
4. The noise generated by any governmental body in the performance of a governmental function.
5. The noise generated by any activity regulation thereof that has been preempted by state or federal law, including, but not limited to, noise produced by aircraft in flight.
6. The noise is produced by the lawful operation of a motor vehicle under the Texas Transportation Code.
7. The noise generated by the normal maintenance of private- or public- real or personal property provided the activities take place during daytime hours, as defined in this article.
8. The noise was produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following fire, accident, or natural disaster.
9. The noise is produced from any activity in which has received written approval from the City, or has been approved by a state or federal authority, or is reasonably necessary due to an emergency or recovery therefrom.
10. The noise generated by any church or clock carillons, bells, or chimes provided the noise does not cumulatively exceed five (5) minutes duration in any one-hour period.
11. The noise generated in the discharge of weapons from a historical reenactment or a fireworks display permitted by the City.
12. The noise is produced from construction-related activity, as defined in this article, at any time between the hours of:

7:00 a.m.	until	8:00 p.m.	Monday—Friday
9:00 a.m.	until	8:00 p.m.	Saturday—Sunday and Holidays

13. Any outdoor event, race, festival, or concert that was sponsored or co-sponsored by the City, or that has received authorization via a City-issued permit, or that is conducted on a premises authorized for such use, as may be identified on the Certificate of Occupancy or in accordance with the Mesquite Zoning Ordinance; except, that if an unreasonable noise disturbance or violation offense were created by any such activities herein identified, the noise disturbance shall be abated if a request for abatement is made by a City Enforcement Agent or Peace Officer.
14. The noise generated from reasonable activities conducted at public parks and on public playgrounds and public or private school grounds, included but not limited to, school athletic and school entertainment events.
15. The noise generated by any other lawful activity that constitutes protected expression pursuant to the First Amendment of the United States Constitution. By this exception, it is not intended to restrict or extend the rights of citizens to the valid expression of their rights and beliefs. Any protected expression

retains with it the responsibility to exercise such expression with regard to the rights and sensibilities of others, and within reasonable time and place limitations imposed by other legal standards.

16. The noise is generated by a parade, or the spectators and participants on the parade route, or the noise is generated by a special event, or the spectators and participants of the special event, when the parade or special event have been approved and received a Special Event Permit, as authorized by Chapter 8, Article XV; except, that if an unreasonable noise disturbance or vibration offense were created by any such activities herein identified, the noise disturbance shall be abated if a request for abatement is made by a City Enforcement Agent or Peace Officer.
17. The noise is produced by an event or activity or from property that has received a Temporary Noise Permit, as authorized by Chapter 8, Article XVII, Division 2—Temporary Noise Permit, granted by the City Manager or his/her designee allowing the noise that would otherwise be prohibited.
18. The noise is produced by an activity or from property that has received a noise variance, as authorized by Chapter 8, Article XVII, Division 3 - Noise Variance, granted by the City's Board of Adjustment allowing the noise that would otherwise be prohibited.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—Offenses, Section 10-71.

Temporary Noise Permit, Chapter 8, Article XVII, Division 2—Temporary Noise Permit.
Noise Variance, Chapter 8, Article XVII, Division 3—Noise Variance.

Sec. 10-74. Designated noise zones.

Noise Zones are established based on the use of the property as may be described in this Section. Noise Zones are not associated to zoning districts established in the Mesquite Zoning Ordinance.

TABLE 01: DESIGNATED NOISE ZONES

Noise Zone No.	Designated Properties Within the Noise Zone	Description
Noise Zone 1	All RESIDENTIAL properties or other properties as herein described.	Residential properties shall mean any premise where single or multiple dwelling units exist such as: Single-Family Homes, Apartments, Townhomes, Condos; and shall also include: Schools, Libraries, Churches, Hospitals, Nursing Homes, and similar institutional facilities. Residential properties also include any commercial premise where the "use" of twenty-five (25) percent or MORE (≥25%) of the gross floor area meets the description of residential property. (However, motels and hotels shall be considered commercial properties.)
Noise Zone 2	All COMMERCIAL and MIXED-USE properties as herein described.	Commercial properties shall mean any premise where offices,

		shopping, and service establishments or similar retail establishments exist including, for example: Clinics, Hotels and Motels, Kennels, Shopping Malls, Offices, Reception Facilities, Restaurants, Service Stations; and shall also include: Mixed-Use properties whereby different uses are combined such as retail, residential, offices, and similar other uses.
Noise Zone 3	All INDUSTRIAL, MANUFACTURING, or GOVERNMENTAL properties as herein described.	Industrial & manufacturing facilities. Governmental properties include all City, County, State, and federal facilities, except if otherwise specifically designated in another Noise Zone. For example: Schools are designated in Noise Zone 1.
Noise Zone 4	All ENTERTAINMENT properties as herein described.	Properties where entertainment is considered a primary use of the property.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—Maximum permissible sound levels, Section 10-75.

Sec. 10-75. Maximum permissible sound levels.

- (a) *Maximum permissible sound levels.* The following Table 02 identifies the maximum permissible sound levels that shall apply to the properties in each designated noise zone (Section 10-74), unless otherwise indicated in this article or by the issuance of a temporary noise permit or a noise variance (Section 10-78).

TABLE 02: MAXIMUM PERMISSIBLE SOUND LEVELS

NOISE ZONE DESIGNATIONS	TIMEFRAME AND SOUND LEVELS	
	DAYTIME 7:00 a.m. to 10:00 p.m.	NIGHTTIME 10:01 p.m. to 6:59 a.m.
Noise Zone 1 (Residential)	60 dB(A) -or- 70 dB(C)	50 dB(A) -or- 60dB(C)
Noise Zone 2 (Commercial and Mixed-Use)	70 dB(A) -or- 80 dB(C)	60 dB(A) -or- 70 dB(C)
Noise Zone 3 (Manufacturing, Industrial, Governmental)	70 dB(A) -or- 80 dB(C)	65 dB(A) -or- 75 dB(C)
>Noise Zone 4 (Entertainment)	<i>Day and Night</i> 7:00 a.m. to 1:00 a.m.	<i>Late Night—Early Morning</i> 1:01 a.m. to 6:59 a.m.
	80 dB(A) -or- 90 dB(C)	60 dB(A) -or- 70 dB(C)

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- (b) *Background sound level.* If the background sound level exceeds the applicable standard, the background level shall be the standard.
 - (c) *Maximum permissible sound levels apply to the property where the sound is being received.* The dB(A) or dB(C) maximum permissible sound levels set forth in this section apply to the property within the Noise Zone where the sound is being received.
 - (d) *Location of sound level measurements.* Sound level measurements shall be conducted at:
 - (1) The receiving property (at the curb line or boundary line of the receiving property), or
 - (2) The boundary line closest to the source of the sound.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—Offenses, Section 10-71.

Designated Noise Zones, Section 10-74.

Method of sound measurement utilizing sound level meter, Section 10-76.

Temporary Noise Permit, Chapter 8, Article XVII, Division 2—Temporary Noise Permit.

Noise Variance, Chapter 8, Article XVII, Division 3—Noise Variance.

Sec. 10-76. Method of sound measurement utilizing sound level meter.

- (a) *Sound level meter.* Whenever portions of this article prohibit sound levels over a certain decibel limit, measurement of said sound levels shall be made with standardized sound meters, using the A-weighted network and/or the C-weighted network meeting the standards prescribed by the American National Standards Institute ("ANSI").
- (b) *Calibration.* The instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling event.
- (c) *Measurements utilizing a sound level meter.* Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Windscreens shall be used whenever appropriate.
- (d) *Background sound level measurement.*
 - (1) When the sound under investigation can be discontinued, the background sound shall be measured at the same location where the total sound was measured.
 - (2) When the sound under investigation cannot be reasonably discontinued, the background sound may be measured at an alternative location. The alternative location should be as close as feasible to the location of the total sound measurement, but so located that the source under investigation has no effect on the background sound level measurement. The size and distribution of buildings in the vicinity, the local topography, and the traffic at the alternate location should be reasonably similar to the conditions at the location of the total sound level measurements.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—Designated Noise Zones, Section 10-74.

Maximum permissible sound levels, Section 10-75.

Sec. 10-77. Noise abatement studies.

- (a) *Existing facilities.* An existing facility which perpetually exceeds the maximum permissible sound levels, as identified in Section 10-75, may be required by the City's Director of Planning and Development Services, or his or her designee, ("Director") to submit a noise abatement study to the City that details the steps that will be taken to bring the facility into compliance. The study must be conducted by a qualified person approved by the Director. The study must contain at a minimum the following:
- (1) A description of the existing facility.
 - (2) An analysis of the source of the noise.
 - (3) An analysis of the abatement measures necessary to bring the existing facility into compliance.
 - (4) A noise abatement measures implementation schedule not to exceed a time frame of six (6) months without the written permission of the Director.
 - (5) Any other items required by the Director, pursuant to the Director's written request.
- (b) *Proposed new facilities or proposed new business within an existing facility.* A proposed new facility or a proposed new business within an existing facility that has the potential to exceed the maximum permissible sound levels, as identified in Section 10-75, may be required by the City's Director of Planning and Development Services, or his or her designee, ("Director") to submit a noise abatement study to the City, prior to the issuance of any building permits or certificate of occupancy, that details the steps that will be taken to ensure the facility will be in compliance. The study must be conducted by a qualified person approved by the Director. The study must contain at a minimum the following:
- (1) A description of the proposed new facility or proposed new business within an existing facility.
 - (2) An analysis of the proposed source of the noise.
 - (3) An analysis of the abatement measures necessary to ensure the proposed new facility or proposed new business within an existing facility is in compliance.
 - (4) A noise abatement measures implementation schedule not to exceed the facility's construction schedule without the written permission of the Director.
 - (5) Any other items required by the Director, pursuant to the Director's written request.
- (c) *Appeals.*
- (1) The City Council grants authority to the Board of Adjustment to hear and decide an appeal of the Director's decision under this section.
 - (2) A person may appeal the Director's request(s) or decision(s) with regard to this section to the Board of Adjustment in accordance with the process and procedures identified in the Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210.
- (d) *Offenses.*
- (1) *Failure to submit a noise abatement study.* Failure to submit a noise abatement study as requested by the Director is a violation of this article and an offense punishable in accordance with Section 1-6 of the City Code.
 - (2) *Failure to abide by schedule.* Unless otherwise authorized, failure to abide by the Director approved noise abatement implementation schedule is a violation of this article and an offense punishable in accordance with Section 1-6 of the City Code.

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- (3) *Failure to implement noise abatement measures.* Unless otherwise authorized, failure implement any Director approved abatement measures is a violation of this article and an offense punishable in accordance with Section 1-6 of the City Code.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross reference(s)—General penalties; applicability; continuing violations, Chapter 1, Sec. 1-6.

Maximum permissible sound levels, Section 10-75.

Appeals of Administrative Decisions to Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210.

Fee for Appeals of Administrative Decisions to the Board of Adjustment; Appendix D—Comprehensive Fee Schedule, Section 12-116.

State law reference(s)—Authority of Board, V.T.C.A. Local Government Code, § 211.009.

Sec. 10-78. Temporary noise permits and noise variances.

- (a) *Temporary noise permit.* A temporary noise permit is an administrative approval, reviewed and approved by the City Manager or his/her designee, allowing noise during days and times in which noise may not otherwise be permissible or to allow noise to exceed the permissible decibel limitations of this article on a temporary basis. Temporary noise permits are issued in accordance with the process and procedures identified in Chapter 8, Article XVII, Division 2—Temporary Noise Permit.
- (b) *Noise variance.* A noise variance is a suspension of the literal enforcement of the noise provisions identified in this City Code. Noise variances are reviewed and approved by the Board of Adjustment in accordance with the process and procedures identified in Chapter 8, Article XVII, Division 3—Noise Variance.

(Ord. No. 4850, § 4(Exh. C), 3-15-21)

Cross references—Temporary Noise Permit, Chapter 8, Article XVII, Division 2 - Temporary Noise Permit.

Noise Variance, Chapter 8, Article XVII, Division 3 - Noise Variance.

Secs. 10-79—10-95. Reserved.