City of Whitehouse Ordinances

<http://www.amlegal.com/nxt/gateway.dll/Texas/whitehousetx/cityofwhitehousetexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:whitehouse_tx>

**BookmarkCHAPTER 92:  NUISANCES**

Section

***General Provisions***

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[92.02](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.02%27%5d$jumplink_md=target-id=JD_92.02)   Trash

[92.03](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.03%27%5d$jumplink_md=target-id=JD_92.03)   Weeds and grass

[92.04](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.04%27%5d$jumplink_md=target-id=JD_92.04)   Outdoor storage

[92.05](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.05%27%5d$jumplink_md=target-id=JD_92.05)   Standing dead trees

[92.06](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.06%27%5d$jumplink_md=target-id=JD_92.06)   Major vehicle repairs

[92.07](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.07%27%5d$jumplink_md=target-id=JD_92.07)   Storage of inoperative vehicles

***Administration and Enforcement***

[92.20](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.20%27%5d$jumplink_md=target-id=JD_92.20)   Notice

[92.21](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.21%27%5d$jumplink_md=target-id=JD_92.21)   Failure to abate or remedy

***Noise***

[92.30](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.30%27%5d$jumplink_md=target-id=JD_92.30)   **Noise** restrictions

[92.99](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.99%27%5d$jumplink_md=target-id=JD_92.99)   Penalty

**§ 92.03  WEEDS AND GRASS.**

   (A)   It shall be unlawful for any responsible person to allow weeds or grass to grow to a height of greater than 12 inches on an improved property, occupied or unoccupied, within the city limits. Weed or grass growth in excess of 12 inches in height shall constitute a fire hazard and nuisance to the public health and shall be subject to the enforcement provisions of this chapter.

   (B)   It shall be unlawful for any responsible person to cut and remove weeds and grass on an unimproved property fewer than three times per calendar year. Cutting and removing weeds and grass on an unimproved property fewer than three times per calendar year shall constitute a fire hazard and nuisance to the public health and shall be subject to the enforcement provisions of this chapter.

(Ord. 13-0521-02, passed 5-21-13)  Penalty, see § [92.99](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.99%27%5d$jumplink_md=target-id=JD_92.99)

**§ 92.05  STANDING DEAD TREES.**

   It shall be unlawful for any responsible person to allow standing dead trees on property, occupied or unoccupied, within the city limits, that could fall and cause injury to neighboring persons or property. A failure to safely cut and remove any standing dead tree shall constitute a danger to the public health and safety and shall be subject to the enforcement provisions of this chapter.

(Ord. 13-0521-02, passed 5-21-13)  Penalty, see § [92.99](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.99%27%5d$jumplink_md=target-id=JD_92.99)

**92.20  NOTICE.**

   (A)   An enforcing agent is authorized to notify a responsible person that they are in violation of this chapter and to allow them ten days to abate or remedy the violation. If notice is mailed, the ten day compliance period does begin until three days from the day of mailing.

   (B)   The notice shall be in writing and shall specify the specific ordinance section(s) that the responsible person is violating.

   (C)   The enforcing agent will issue only one notice during the calendar year in which the violation occurs. If, after notice has been given, repeat violations occur or continue to exist on the same property within the same calendar year, additional notification is not required and citations may issue without further notice.

   (D)   The enforcing agent may serve notice on a responsible person by hand delivery or through certified mail, return receipt requested. A responsible person is considered on notice once they are handed written notice or when the notice is placed in the mail.

(Ord. 13-0521-02, passed 5-21-13)

**Bookmark****§ 92.21  FAILURE TO ABATE OR REMEDY.**

   (A)   If notice was given and the ten day compliance period has ended, an enforcing agent may issue a citation for the violation if the responsible person has failed to abate or remedy the violation.

   (B)   If notice was given and more than ten days have elapsed since the ten day compliance period has ended, the city may abate or remedy the violation at the expense of the responsible person. If such action is taken, a bill will be mailed to the responsible person. If this bill is not paid within 30 days of mailing, the city is authorized place a lien on the property in violation for the amount owed.

(Ord. 13-0521-02, passed 5-21-13)

**NOISE**

**Bookmark****§ 92.30****NOISE RESTRICTIONS.**

   (A)   (1)   It is unlawful to make, continue, or cause to be made, or continued any loud or raucous **noise** which:

         (a)   Is offensive to persons in the vicinity thereof; and

         (b)   Substantially impairs the peaceable enjoyment of public or private property.

      (2)   All loud and raucous noises as defined herein are hereby declared to be public nuisances.

   (B)   The following acts, among others, are loud and raucous noises, and are unlawful:

      (1)   The playing of any radio, stereo, phonograph, musical instrument, or similar device in such manner or with such volume so as to be heard at least 50 feet away, or so as to offend persons in the vicinity.

      (2)   The keeping or harboring of any animal or fowl which emits or makes any **noise** which by its character, volume, or repetition is offensive to persons in the vicinity.

      (3)   The discharge into open air of the exhaust of any steam or internal combustion engine, whether moveable or stationary in a residential zoned area, which causes or creates an offensive noises therefrom; after receiving a complaint and warning to stop the noisy activity. This section does not apply to a commercial operation that conducts such business as automotive or combustible engine repair.

      (4)   Operating lawn equipment such as, but not limited to, lawn mowers, chainsaws, edgers, blowers, etc. that operate on a combustible engine in or adjacent to a residential area or hotel between the hours of 9:00 p.m. and 7:00 a.m. without the written approval of the City Manager or his designee; after receiving a complaint and warning to stop the noisy activity.

      (5)   The erection, excavation, demolition, alteration or repair of any building or structure in or adjacent to a residential area or hotel between the hours of 9:00 p.m. and 7:00 a.m., on two days after receiving a complaint and warning to stop the noisy activity, except in situations involving the interests of public safety, official government business, or the protection of the subject property; that is, such construction **noise** that can be completed in one day shall not be a violation of this section. This division shall not apply to construction **noise** from construction activities that are determined by the city to be necessary in order for the installation of or performance of structures, improvements, systems or subsystems to meet the best practices of building construction. In order to obtain this exception, a person preparing to perform construction activities must submit a written application to the City Manager or designee, demonstrating that the proposed activity would be necessary to meet the best practices of building construction. This exception shall only apply upon the City Manager's or designee's prior written approval by permit.

         (a)   Granting the exception shall be within the sole discretion of the City Manager or designee, who may consider one or more of the following factors:

            1.   Whether the proposed time or nature of the work is necessary to ensure the public health and safety;

            2.   The proposed length or duration of the proposed construction;

            3.   The specific methods of construction being utilized;

            4.   The possible effect of weather, temperature, light or other factors on the workers, the proposed construction, or on the equipment or materials used in the activity;

            5.   Any other factors determined to be relevant by the City Manager or designee;

         (b)   Within five days after granting any permit allowing an exception under this division, the City Manager or designee shall send notice to all owners of real property situated within 200 feet of the property for which the exception has been granted.

      (6)   The creation of any **noise** in a public place adjacent to a church, school, cemetery, court of law, or other public building which, by its nature, is reasonably calculated to disrupt, interfere with, or disturb the proceedings conducted therein.

      (7)   The outdoor use of a drum, musical instrument, mechanical loud speaker, or other sound amplification device for the purpose of attracting attention by the creation of **noise** to any performance, show sales event, or display of merchandise so as to attract customers to any place of business.

      (8)   The outdoor use of a mechanical loudspeaker, calliope, mechanically operated piano, organ, musical instrument or other sound amplification or broadcasting equipment, whether stationary or mobile, emitting sound capable of being heard within 100 feet of a private home, apartment building, hotel, or other place of residence.

      (9)   The demolition, repair, or alteration of a motor vehicle or part thereof in connection with which there is produced any **noise** which is offensive to inhabitants in the vicinity or which substantially impairs the use or enjoyment of adjacent property.

      (10)   The use or operation of any device that is equipped on any motor vehicle and that is designed to aid in braking, decompression or deceleration, in such a manner or at such a time that results in an excessive, loud, unusual or explosive **noise** from such vehicle.

   (C)   *Exceptions.* This section shall not apply to:

      (1)   An official of federal, state, local government, or to members of the United States armed forces or the state engaged in the performance of official duties; or training for official duties of peace officers, such as, firearms training;

      (2)   Persons engaged in the present performance or rendition of emergency medical services;

      (3)   Special events conducted in park or recreation areas pursuant to a special event authorized by the Parks Director, City Council, or City Manager;

      (4)   Public parades duly permitted;

      (5)   The use of outdoor sound amplification for outdoor public speeches, ceremonies, political assemblages or paging purposes conducted at a fixed location at least 100 feet from a residential district and the sound was not audible beyond the property line of the premises on which it was located;

      (6)   The use of sound amplification, intercom, or paging devices within the interior of a church, school, auditorium, convention center, government building or similar public meeting place;

      (7)   School related activities or organized sporting events.

(Ord. 11-1121-01, passed 11-21-11)

**Bookmark****§ 92.99  PENALTY.**

   Any responsible person in violation of this chapter shall be subject to a fine, upon conviction in the Municipal Court of the City of Whitehouse, not to exceed $200 for each offense. Each and every day the violation has not been abated or remedied shall be deemed a separate and distinct offence, and shall be subject to an independent penalty.

(Ord. 13-0521-02, passed 5-21-13)

**§ 10.99  GENERAL PENALTY.**

   (A)   Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by:

      (1)   A fine not to exceed $2,000 in all cases arising under municipal ordinances that govern fire safety, zoning and public health and sanitation other than vegetation and litter violations;

      (2)   A fine not to exceed $2,000, if a motor vehicle is used in illegal dumping or an offense under the law or city ordinance violated by the illegal dumping;

      (3)   A fine not to exceed $500 in all other cases, provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

   (B)   Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.  In the event that any such violation is designated as a **nuisance** under the provisions of this Code, such **nuisance**may be summarily abated by the City Manager or the Chief of Police or their assigns.

***Statutory reference:***

*Municipal penalties, see Tex. Loc. Gov't Code, § 54.001*

**§ 70.02  MUFFLERS REQUIRED; EQUIPMENT.**

   (A)   Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual **noise** and annoying smoke, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

(Tex. Transportation Code § 547.604)

   (B)   The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(Tex. Transportation Code § 547.605(A))

   (C)   The Police Chief is authorized to issue summons and make arrests for the violation of this section.

(Ord. 246, passed 7-20-61)  [Penalty, see § 70.99](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2770.99%27%5d$jumplink_md=target-id=JD_70.99)

**Bookmark****CHAPTER 92:  NUISANCES**

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[92.01](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.01%27%5d$jumplink_md=target-id=JD_92.01)   Definitions

[92.02](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.02%27%5d$jumplink_md=target-id=JD_92.02)   Trash

[92.03](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.03%27%5d$jumplink_md=target-id=JD_92.03)   Weeds and grass

[92.04](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.04%27%5d$jumplink_md=target-id=JD_92.04)   Outdoor storage

[92.05](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.05%27%5d$jumplink_md=target-id=JD_92.05)   Standing dead trees

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[92.07](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.07%27%5d$jumplink_md=target-id=JD_92.07)   Storage of inoperative vehicles

***Administration and Enforcement***

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***Noise***

[92.30](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.30%27%5d$jumplink_md=target-id=JD_92.30)   **Noise** restrictions

[92.99](http://www.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=texas(whitehousetx)$jumplink_q=%5bfield%20folio-destination-name:%2792.99%27%5d$jumplink_md=target-id=JD_92.99)   Penalty