

ORDINANCE NO. 95-18

AN ORDINANCE OF THE CITY OF COMMERCE, COMMERCE, TEXAS AMENDING CHAPTER 38, ARTICLE IV, OF THE CODE OF ORDINANCES FOR THE REGULATION OF NOISE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THIS ORDINANCE; PROVIDING AN OPEN MEETINGS CLAUSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS

SECTION 1. Section 38-87 is hereby amended by adding the following:

"(14) Sound amplification systems in vehicles

a. No person operating or occupying a motor vehicle in a street, highway, alley, parking lot or driveway, whether public or private property, shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible from the vehicle.

b. Sound amplification system means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

c. Plainly audible means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard. Words and phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot, or driveway, on either public or private property.

d. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(2) The vehicle was an emergency or public safety vehicle;

(3) The vehicle was owned and operated by a public utility company, including the city; or

(4) The system or vehicle was used in an authorized public activity such as a parade, fireworks, sporting event, musical production, or other activity which has approval of the city council or a department of the city authorized to grant such approval.

e. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court of Commerce, Texas, shall be fined not more than five hundred dollars (\$500.00). Each day of such violation shall be deemed a separate offense."

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

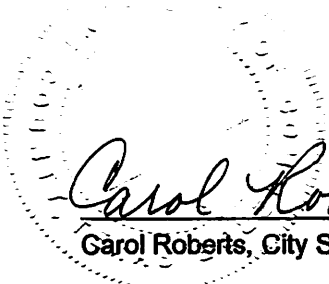
If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not effect the validity of this ordinance.

An emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, all rules and regulation requiring the reading of said ordinance more than one time and on more than one occasion are hereby suspended.

**PASSED AND APPROVED BY THE CITY OF COMMERCE, COMMERCE, TEXAS ON THIS
THE 5th DAY OF SEPTEMBER, 1995.**

ATTEST:

CITY OF COMMERCE


Carol Roberts
Carol Roberts, City Secretary

John R. Sands
John Sands, Mayor

I, Carol Roberts, Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect;

(Seal)

Carol Roberts
Carol Roberts, City Secretary

Sworn to and subscribed before me, on this the 6 day of Sept, 1995,
to certify which witness my hand and seal of office.

(Seal)

Ayne McKay
Notary Public
State of Texas

It is hereby certified that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of Dallas, Texas.

Witness my hand and the seal of the County of Dallas, Texas, this 1st day of September, 1908.

CLERK OF COUNTY OF DALLAS, TEXAS

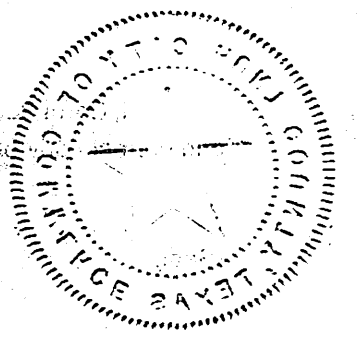
NOTARY PUBLIC

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YAMAMOTO
COUNTY CLERK
DALLAS, TEXAS