

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2022-33**

**AN ORDINANCE AMENDING CHAPTER 102 "TRAFFIC AND VEHICLES", SECTION 102-1 "DEFINITIONS" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS BY REVISING THE DEFINITIONS OF "EXCESSIVE OR UNUSUAL NOISE" AND "NOISEMAKERS" IN THEIR ENTIRETY; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT**

**WHEREAS**, the City of Kerrville regulates certain traffic offenses through Chapter 102 "Traffic and Vehicles" of the Code of Ordinances of the City of Kerrville; and

**WHEREAS**, definitions of some of these offenses are unreasonably vague in light of court rulings, which limits the police department's ability to enforce Chapter 102; and

**WHEREAS**, City Council has determined that it is in the best interest of the citizens of Kerrville to ensure effective and efficient enforcement of traffic related regulations, and therefore Chapter 102, "Traffic and Vehicles," Section 102-1, "Definitions", of the City's Code of Ordinances should be amended as set forth below;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS;**

**SECTION ONE.** Chapter 102, "Traffic and Vehicles," of the Code of Ordinances of the City of Kerrville, Texas, is amended by repealing the definitions of "Excessive or unusual noise" and "Noisemakers" as defined by Section 102-1 and replacing them in their entirety with new language as indicated by underlining (added) as follows:

**"Chapter 102 – TRAFFIC AND VEHICLES**

**ARTICLE I. – IN GENERAL**

**Sec. 102-1 – Definitions.**

*Excessive or unusual noise* means any noise caused by a motor vehicle that unreasonably exceeds the noise made by the average vehicle of that make and model in good mechanical condition, or any noise made by any person, devices, or mechanisms, either in or on a vehicle that unreasonably disturbs or interferes with the peace, comfort and repose of neighboring persons of ordinary sensibilities. A noise

is presumed to be excessive and unusual if vibration accompanies the sound and causes a person in another motor vehicle or structure to become aware of the vibration accompanying the sound.

Noisemakers means any device or mechanism temporarily or permanently installed on or in a vehicle that causes or may cause excessive or unusual noise. This definition also includes the omission or removal of any device or part from a vehicle that causes or may cause the vehicle to emit excessive or unusual noise.

**SECTION TWO.** The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

**SECTION THREE.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed by the extent of any such inconsistency or conflict.

**SECTION FOUR.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION FIVE.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

**SECTION SIX.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the 08 day of November, A.D., 2022.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the 13 day of December, A.D., 2022.**

APPROVED AS TO FORM:

William L. Tatsch  
William L. Tatsch, Asst. City Attorney

Judy Eychner  
Judy Eychner, Mayor

ATTEST:

Shelley McElhannon  
Shelley McElhannon, City Secretary