

**CITY OF KRUGERVILLE, TEXAS
ORDINANCE 2017-0223-C**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUGERVILLE, TEXAS, AMENDING CHAPTER 8, OFFENSES AND NUISANCES, ARTICLE 8.300 GENERAL NUISANCES, SECTION 8.302 NOISE NUISANCES, OF ITS CODE OF ORDINANCES BY THE ADDITION OF TWO NUISANCES; TO ESTABLISH AN AMENDED LIST OF NOISE NUISANCES; PROVIDING A PENALTY FOR EACH VIOLATION; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Krugerville, Texas (“City Council”) has previously adopted ordinances, rules and regulations governing the declaration of certain noises to be nuisances being a threat to public health, safety, and welfare; and

WHEREAS, the City Council desires to amend its Code of Ordinances by amending Article 8.300, Section 8.302 Noise Nuisances, with the addition of Paragraphs (G) and (H), regulating such nuisances; and;

WHEREAS, the City Council has determined that amending its Code of Ordinances is in the best interest of the public health, safety, and welfare of the citizens of the City of Krugerville;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KRUGERVILLE, TEXAS:

Section 1. Recitals Incorporated. The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Amendment. Article 8.300 General Nuisances, Section 8.302 Noise Nuisances, is hereby amended by the addition of paragraphs (G) and (H) as follows:

- (G) Construction work. Operating or permitting to be conducted in a nonresidential district or residential district, any equipment used in commercial or residential construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto and/or the erection, including excavation, demolition, alteration or repair of any building in a residential or commercial district, or within 500 feet of any residence, at times other than between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Friday, and 9:00 a.m. and 8:00 p.m. on Saturday and Sunday.
- (H) Vehicle repairs or testing. The repairing, rebuilding, modifying or testing of any Motor Vehicle (including without limitation off-road vehicles and motorcycles) or watercraft on private property, on a Public Right-Of-Way, on a public space, on or within 500 feet of a residential Use District, other than between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Friday and 9:00 am to 8:00 pm on Saturday and Sunday.

Section 3. Offense; Penalty. A person commits an offense if the person maintains a public nuisance described by Section 8.302. An offense under this section is a misdemeanor punishable by a fine in accordance with the general penalty provision found in Section 1.109 of the Code of Ordinances. Each day an offense occurs shall be a separate offense.”

Section 4. Savings, Severability and Repealing Clauses. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 5. Publication of the Caption Hereof and Effective Date. This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KRUGERVILLE, TEXAS, ON THIS 23rd DAY OF FEBRUARY 2017.

APPROVED:



Jeff Parrent, Mayor

ATTEST:



Sandy Frantz, City Secretary

