

ORDINANCE NO. O-04-30

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MISSOURI CITY, TEXAS, BY DELETING SUBSECTION 30-82(5) OF ARTICLE III OF CHAPTER 30 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBSECTION 30-82(5) OF ARTICLE III OF CHAPTER 30; PROVIDING RULES AND REGULATIONS RELATING TO NOISE CAUSED BY CONSTRUCTION ACTIVITY IN THE CITY; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The Code of Ordinances of the City of Missouri City, Texas, is hereby amended by deleting Subsection 30-82(5) of Article III of Chapter 30 thereof and substituting therefor a new Subsection 30-82(5) of Article III of Chapter 30 to provide as follows:

“Chapter 30 ENVIRONMENT

. . . .

ARTICLE III. NOISE

. . . .

Sec. 30-82. Prohibited noises enumerated.

The acts enumerated in this section are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

. . . .

(5) Building operations at night. It shall be unlawful for any person, in conducting any building operations between the hours of 10:00 p.m. and 7:00 a.m., to operate or use any piledriver, steam shovel, pneumatic hammer, derrick, pump, generator, steam or electric hoist or other apparatus, the use of which is at the time loud or unusually noisy, except in case of emergency, or except in the case in which such building operation requires continuous operation in excess of fifteen hours. In circumstances falling within the latter exception, written

application must be made to the City demonstrating the necessity of continuous operation and City approval must be secured prior to the start of such operation. All such continuous operations shall be started at or near 7:00 a.m. to minimize the amount of evening hours of such operation. In addition, the person conducting such building operations shall take all reasonable efforts to mitigate the noise caused by such operations, such as erecting a noise-deflecting structure around the operation.

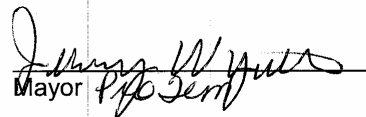
. . . .”

Section 2. Penalty. Any person who causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall be permitted to exist shall constitute a separate offense.

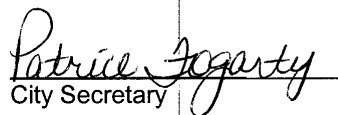
Section 3. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED on first reading this 21st day of June, 2004.

PASSED, APPROVED and ADOPTED on second and final reading this 6th day of July, 2004.


Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM:


Asst City Attorney