

ORDINANCE NO. 1519-09-2022

**AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS
AMENDING THE CODE OF ORDINANCES CHAPTER 13 –
OFFENSES-MISCELLANEOUS, ARTICLE 5 – NOISE
CONTROL, SECTION 13.102 – RESTRICTON ON
DECIBEL LEVELS AND SECTION 13-104 – EXEMPTIONS;
PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE; AND PROVIDING AN OPEN
MEETING FINDING**

WHEREAS, the City Council of the City of Gainesville would like to provide a safe and business friendly environment; and

WHEREAS, the current noise requirements for industrial zones is lower than needed to provide a safe environment.

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

Section 1: Amend Section 13-102(a)(3)

Section 13-102(a)(3) shall be amended to read:

- (3) The making of noise, which exceeds eighty-five (85) decibels during the daytime or the nighttime on industrial zoned property as defined by the zoning ordinance of the city; or

Section 2: Amend Section 13-104 - Exemptions

Section 13-104 – Exemptions shall be amended to read:

The following acts and sounds shall be exempt from the requirements of this chapter.

- (a) The generation of sound for the purpose of alerting persons to the existence of imminent danger or an actual emergency.
- (b) The generation of sound in the performance of emergency work.
- (c) Sirens, whistles, or bells, lawfully used by emergency vehicles, or any alarm systems used by government entities in case of fire, collision, civil defense, police activity, or imminent danger.
- (d) Engine braking systems for emergency response vehicles and when used by commercial vehicles in an emergency situation.
- (e) Repairs or excavations of bridges, streets or highways by the city, the state, or the federal government during the nighttime when public welfare and convenience renders it impractical to perform the work during daylight hours.

- (f) School events and practices in a stadium, ballpark, or on public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to school athletic events.
- (g) Law enforcement motor vehicles equipped with any communication device necessary in the performance of law enforcement duties or emergency vehicles equipped with any communication device necessary in the performance of any emergency procedures.
- (h) Noise made by a horn or other warning device required by state law.
- (i) Sound produced by permitted parades and events as well as pyrotechnic displays approved by the city fire marshal.
- (j) An employee of a government entity engaged in the employee's official duty.
- (k) A person operating a bell for a religious activity.
- (l) Bells and chimes, or simulated bells and chimes, used in clock towers or belfries.
- (m) Necessary construction or property maintenance, including the use of lawnmowers, during daytime.
 - 1. For a person to perform construction work at nighttime a permit must be sought and obtained from the City Building Official, and if the Building Official concludes that because of the construction operations involved construction at the time is reasonable and necessary.
- (n) Use of properly maintained air conditioning units.

Section 3: Severability

If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstance, if for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to the other person or sets of circumstances shall not be affected thereby, it being the intention of the City Council and of the Mayor of the City of Gainesville in adopting and approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by any reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

Section 4: Effective Date

This ordinance shall be effective upon passage and publication.

Section 5: Open Meeting Finding

That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

SUSPENSION OF CHARTER

IN REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, ON THE 20TH DAY OF SEPTEMBER 2022, THE CHARTER PROVISION OF

THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASIONS WAS SUSPENDED BY A VOTE OF:

7 AYES, 0 NAYS, 0 ABSENT, AND 0 ABSTENTIONS

ATTEST:

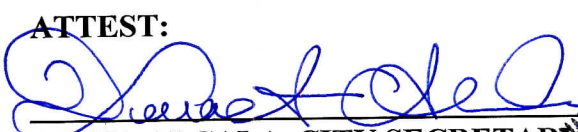

DIANA ALCALA, CITY SECRETARY

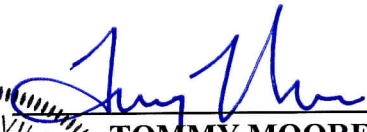

TOMMY MOORE, MAYOR

PASSED AND APPROVED THIS 20TH DAY OF SEPTEMBER 2022.

7 AYES 0 NAYS 0 ABSENCES, AND 0 ABSTENTIONS

ATTEST:


DIANA ALCALA, CITY SECRETARY


TOMMY MOORE, MAYOR

