

ORDINANCE NO. 2018-12

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED “NOISE” TO AMEND SECTION 42-36 ENTITLED “DEFENSES”, TO ALLOW AN EXCEPTION FOR NOISE GENERATED BY CONSTRUCTION ACTIVITIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Section 42-36 (5) to read as follows:

**Sec. 42-36. – Defenses.**

The following defenses shall apply to any offense established in this article:

...

(5) The sound was produced by the erection, excavation, construction, demolition, alteration, or repair work, or the permitting or causing thereof, of any street, building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in any such activity conducted between the hours of 7:00 a.m. and 7:00 p.m. (unless otherwise approved by the Director of Planning & Development) and which activity did not produce a sound exceeding 75 dB(A) when measured from the nearest residential property where the sound is being received.

...

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the 22nd day of May, 2018.

PASSED second reading the \_\_\_\_ day of \_\_\_\_\_, 2018.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2018.

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PAT HALLISEY  
Mayor

ATTEST:

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DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN  
City Attorney