

ORDINANCE NO. 2017-3926

AN ORDINANCE AMENDING CHAPTER 26, “MISCELLANEOUS PROVISIONS AND OFFENSES,” SECTION 26-8, “NOISE”, 3 “EXEMPTIONS” (A) OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO NECESSARY CONSTRUCTION HOURS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That Chapter 26, “Miscellaneous Provisions and Offenses,” Section 26-8, “Noise”, 3 “Exemptions” (a) of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”** attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.
- PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2017.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

That Chapter 26, “Miscellaneous Provisions and Offenses,” Section 26-8, “Noise”, 3 “Exemptions (a) of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 26-8. Noise*(3) Exemptions.*

- a. Necessary construction or property maintenance, including the use of lawnmowers, during the hours of 6:00 a.m. to 10:00 p.m.
 1. For a person to perform construction work before 6:00 a.m. or end later than 10:00 p.m. 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 that time is reasonable and necessary.

Construction work in public rights-of-way or easements by the City or the Texas Department of Transportation.