#### ORDINANCE NO. 570

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 8, ARTICLE 8.04 NOISE; ADDING ARTICLE 8.08 ENVIRONMENTAL STANDARDS; PROVIDING SEVERABILITY, SAVINGS CLAUSE, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

**WHEREAS,** environmental performance standards are contained under Chapter 14 Zoning and applicable only to Industrial zoning, and;

**WHEREAS,** land uses contained in non-Industrial zoning districts can produce similar noises, odors, vibrations, dust, heat, and glare as an industrial use, and;

**WHEREAS,** to mitigate the adverse effects of excess noise, odor, vibration, dust, heat and glare from all land uses within the City s jurisdiction regardless of the property s zoning classification Environmental Standards should be contained under Chapter 8 Offenses and Nuisances;

# NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

<u>Section 1.</u> Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

<u>Section 2.</u> Amendment to Manor Code of Ordinances Chapter 8, Article 8.04 Noise. Article 8.04 Noise is hereby amended in its entirety to read as follows:

#### **Article 8.04 Noise**

### Section 8.04.001 Applicability

- (a) This article applies to the control of all sound and noise existing within the City limits and any part of the City's extraterritorial jurisdiction within six hundred (600) feet of the City limits.
- (b) Speech or other communication, picketing or similar acts. If conduct that would otherwise violate this article consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions, the person or persons must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.

#### **Section 8.04.002 Definitions**

*Daytime* means for nonresidential property, the continuous time period between 7:00 a.m. and 10:00 p.m. Sunday through Thursday and 7:00 a.m. and 11:00 p.m. Friday and Saturday; and for

residential property, the continuous time period between 7:00 a.m. and 10:00 p.m. each day, unless modified herein.

dB(A) means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network as designated and defined by the American National Standards Institute.

dB(C) means the sound pressure level in decibels as measured on a sound level meter using the C-weighting network as designated and defined by the American National Standards Institute.

Decibel (db) means the unit of measurement for sound pressure level at a specified location.

*Motor vehicle* means any vehicle that is propelled or drawn on land by an engine or motor.

*Nighttime* means for nonresidential property, the continuous time period from 10:00 p.m. Sunday through Thursday until 7:00 a.m. of the following day and 11:00 p.m. Friday and Saturday until 7:00 a.m. of the following day; and for residential property, the continuous period from 10:00 p.m. until 7:00 a.m. of the following day, unless modified herein.

*Nonresidential property* means a property that is not a residential property as defined in this article.

*Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public, which is owned or controlled by any government entity.

Real property *line* means either:

- (1) The imaginary line, including its vertical extension, that separates one parcel of real from another; or
- (2) The vertical and horizontal boundaries of each unit of a multi-unit building which is under separate ownership or tenancy.

Residential property means any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

*Sound equipment* means a loud speaker, public address system, amplification system, musical instrument, radio, CD player, or other sound-producing device.

Sound level means the instantaneous sound pressure level measured in decibels obtained by the use of a sound level meter.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in the latest version of the American National Standards Institute specifications for sound level meters (ANSI Standard S1.4-1983).

Zoning ordinance means the zoning ordinance of the City of Manor, Texas, as set forth in Chapter 14 of the Manor Code of Ordinances, as amended.

### Section 8.04.003 Restrictions on Decibel Levels

(a) Nonresidential Noise Source Maximum Decibel Levels

No person shall cause, allow, or permit the making of a noise from a nonresidential property in the City limits and any part of the City's extraterritorial jurisdiction within six hundred (600) feet of the City limits which exceeds the following sound pressure levels as measured pursuant to subsection (c) herein:

(1) <u>Daytime</u>: 75 dB(A) or 85 dB(C); or

(2) <u>Nighttime</u>: 65 dB(A) or 75 dB(C).

(b) Residential Noise Source Maximum Decibel Levels

No person shall cause, allow, or permit the making of a noise from a residential property in the City limits and any part of the City's extraterritorial jurisdiction within six hundred (600) feet of the City limits which exceeds the following sound pressure levels as measured pursuant to subsection (c) herein:

(1) <u>Daytime</u>: 70 dB(A) or 80 dB(C); or

(2) <u>Nighttime</u>: 50 dB(A) or 60 dB(C).

(c) Noise Measurement

Measurement of noise pursuant to this article shall be in accordance with this section.

- (1) Method of measurement. Noise shall be measured with a sound level meter meeting the standards prescribed by the American Standards Association. The measuring instruments shall be maintained in calibration and good working order. Prior to taking a measurement of the noise in question, the environment shall be observed to determine whether background noise is so close to the level of the sound being measured rendering a proper measurement impossible. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be screened from wind and water and otherwise used in accordance with the manufacturer's specifications.
- (2) <u>Location of measurement</u>. Measurement of noise shall be taken along the real property line of the property where the noise is being produced at the location that is both closest to the location of the complainant's property and the origin of the noise, and if protected by sound mitigating devices, such as a wall or landscaping, also from the location closest to the origin of the noise that is not protected by sound mitigating devices, with the determinative measurement being the greater of the two.

#### **Section 8.04.004 Specific Noises Enumerated**

- (a) The playing of any television, radio, phonograph, tape player, compact disc player, musical instrument or any electrical or mechanical device in such manner or with such volume, at any time, as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.
- (b) The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal as required by state law; the creation by means of any such signal device of any unreasonably loud or harsh device noise for any unnecessary and unreasonable period of time.
- (c) The running of any motorized vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary noise such as spinning or squealing tires, grating, grinding, jarring, or rattling noise or vibrations.
- (d) The running of any motorized vehicle without a muffler, or with an altered muffler, or with a defective muffler, sufficient to contain the sound so that a person of ordinary sensibilities nearby would not be annoyed or materially distressed.
- (e) The creation of loud and raucous noise on any street adjacent to any school or court which is in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided that conspicuous signs are located in such streets indicating that schools, hospitals, and courts are adjacent thereto.
- (f) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (g) Any loud or vociferous language, yelling, shouting, crying, hooting, whistling or singing of peddlers, hawkers or any other person in such a manner to cause a noise disturbance which annoys or disturbs the quiet, comfort or repose of ordinary persons of ordinary sensibilities in any dwelling, hotel or other type residence.
- (h) The use of any drum or other instrument or sound-amplifying equipment to produce a noise or sound of such intensity that annoys or disturbs persons of ordinary sensibilities in the immediate vicinity thereof; provided, however, that nothing herein shall be constructed to prohibit the infrequent use of a loudspeaker or amplifier for periods of short duration by a religious organization or association in the playing of music where the intensity of same does not annoy or disturb such persons.
- (i) The keeping of any animal or fowl which emits or makes a loud and raucous noise, and disturbs the comfort or repose of persons of ordinary sensibilities in the immediate vicinity thereof.
- (j) The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
- (k) The sounding of any bell or gong attached to any building or premises, which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof.

(l) Operating or permitting to be operated any refuse compacting, processing or collection vehicles in any residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 6:00 a.m. No noise disturbance shall be deemed to occur when the noise is created in the regular course of the activity for which the equipment is designed and the noise occurs for no longer than reasonably necessary to conduct the activity and the hours of operation occur between 6:01 a.m. and 9:59 p.m.

## (m) Sound equipment in vehicles.

(1) No person owning, operating, occupying or in control of a motor vehicle on a street, highway, alley, park, playground, parking lot, driveway, garage, carport, yard, or carwash facility, whether public or private property, shall operate or permit the operation of any sound equipment system from within the vehicle so that the sound is plainly audible by the auditory senses, based on direct line of sight, at a distance of 30 feet or more from the vehicle. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, park, playground, parking lot, driveway, garage, carport, yard, or carwash facility, on either public or private property.

#### Section 8.04.005 Declaration of Nuisance

A violation of this Article is hereby declared a nuisance.

## **Section 8.04.006 Exemptions**

The following sources of potential noise disturbance shall be exempt from the regulations of this article:

- (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
- (2) The vehicle was an emergency or public safety vehicle acting in the performance of lawful duties to protect the health, safety and welfare of the community;
- (3) The vehicle was owned and operated by a public utility company, including the city;
- (4) The activity, system or vehicle was used in an authorized public activity, such as a parade, fireworks, sporting event, musical production, or other activity which has the approval of the city or is sponsored or sanctioned by the city or a department of the city authorized to grant such approval;
- (5) The activities conducted on private or public school grounds, including, but not limited to, school athletic and school entertainment events which are approved, sponsored or sanctioned by the school; provided the source of the sound is on school property and does not create an unreasonable disturbance to any residential property more than 500 feet from the school property;

- (6) Safety signals, storm warning sirens or horns and the testing of such equipment, emergency vehicle sirens or horns used when responding to an emergency, and emergency pressure relief values.
- (7) The erection, including excavation, demolition, alteration, or repair, of any building in or adjacent to a residential area other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and 8:00 a.m. and 6:00 p.m. on Saturdays, and 9:00 a.m. and 5:00 p.m. on Sundays, and no heavy equipment shall be used on Sundays, except in the case of urgent necessity or in the interest of public safety, for which a permit must be obtained from the city manager or his designee prior to any deviation from these hours.
- (8) Sound generated from persons of reasonable behavior playing at a park or playground;
- (9) Any utility or roadway maintenance or repairs in residential areas during the daytime and emergency repairs related to public health, safety and welfare of the residents, which are allowed at all hours;
- (10) Church bells or chimes when tolled or played at the normal times for such instruments.
- (11) Sound generated by lawn or landscaping equipment in good working order operated between the hours of 7:00 a.m. and 8:00 p.m.

#### Sections 8.04.007-8.04.015 Reserved

## **Section 8.04.016 Special Exceptions**

- (a) <u>Application</u>. A person seeking a special exception under this section shall complete and file a written application for a special exception with the city manager's office on the form provided by the police department. An application for special exception shall include:
  - (1) The name, address, and telephone number of the applicant. If the applicant is a business, the application shall be filled out by the owner or duly authorized agent of the business and shall list the name, address, and telephone number of the business, the responsible owner of the business, and the operator of the business, if different;
  - (2) The nature and location of the noise source for which the application is made;
  - (3) The time during which the noise will be generated and the level of noise that will occur;
  - (4) A signed statement that the applicant has obtained a copy of this article and related rules and agrees to comply with this article, the related rules provided, and the terms and conditions of a special exception issued to the applicant;
  - (5) The reason for which the special exception is requested, including the hardship that will result to the applicant, his/her client, or the public if the special exception is not granted; and

- (6) A description of noise control measures to be taken for the applicant to minimize noise and the impacts occurring therefrom and the schedule under which said measures will be implemented.
- (b) <u>Restrictions on approval of special exception</u>. No special exception shall be approved unless the city manager and chief of police are satisfied based upon the application and other proof provided by the applicant that:
  - (1) Noise levels occurring during the period of the special exception will not constitute a danger to public health;
  - (2) Compliance with this article would impose an unreasonable hardship on the applicant or the public without greater benefits to the public; and
  - (3) The applicant has fully complied with the application procedures.
- (c) <u>Considerations in determining whether to approve a special exception</u>. In making the determination of whether to grant a special exception, the city manager and the chief of police shall consider:
  - (1) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
  - (2) The value to the community of the activity for which the special exception is sought;
  - (3) The ability of the applicant to apply the best practical noise control measures; and
  - (4) Proximity to residences at which reasonable persons would be disturbed by the noise.

#### (d) Other restrictions.

- (1) The city manager and chief of police shall consider each application on the same basis as that used for other similarly situated applicants and shall make each special exception decision free from consideration of race, sex, national origin, religion, the content of speech, or any other factors not provided for in this article;
- (2) No special exception shall be approved for the operation of sound equipment at nighttime from a motor vehicle; and
- (3) No special exception shall be approved if the applicant has been convicted of more than two violations under this article at the location for which the special exception is sought in the six months prior to the date on which the application is submitted.
- (e) Approval or denial of special exception.
  - (1) The city shall grant or deny the special exception within sixty (60) business days of receiving the properly completed application. An application for the same applicant or

location may not be submitted for a period of sixty (60) business days following the denial of an application.

- (2) If the city manager and chief of police determine a special exception should be issued pursuant to the criteria established in this section, a special exception shall be issued which states the type of sound allowed, the location at which the sound will be allowed, the maximum decibel level to be allowed, the times at which the sound will be allowed to be produced, and the expiration date of the special exception.
- (f) <u>Time and frequency limits on special exceptions</u>. Applicant shall apply for a special exception under one or the other, but not both, of the subsections below:
  - (1) <u>Multiple events</u>. Applicants applying for a special exception for multiple events at the same site within one (1) calendar year shall apply for one (1) special exception for all events within the one (1) calendar year. A new special exception application shall be required for a new special exception to be approved for any subsequent year. Any such special exception shall terminate upon change in the owner or operator of the establishment listed on the application and a new special exception application by the new owner will be required to obtain a new special exception.
  - 2) <u>Single event</u>. Special exceptions for single events shall be issued for the duration of each individual event and no such special exception for a single event shall be issued for the same location within thirty (30) business days of the date of expiration of the previous special exception.
- (g) Revocation of special exception. The special exception may be revoked by the city manager and chief of police if the terms of the special exception are violated; if it is learned that there were material misrepresentations made in the special exception application; or if there is a material change in any of the circumstances relied upon by the city manager and chief of police in granting the special exception.

# Section 8.04.007 Penalty

Any person, firm or corporation violating any provision of this article shall be fined in accordance with the general penalty provided in section 1.01.009 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

<u>Section 3.</u> Amendment to Manor Code of Ordinances Chapter 8 Offenses and Nuisances. Chapter 8 Offenses and Nuisances is hereby amended to add Article 8.08 Environmental Performance Standards to read as follows:

**Article 8.08 Environmental Performance Standards** 

**Section 8.08.001 General Provisions** 

- (a) Applicability. The use of land, buildings, and other structures in the City and within 5,000 feet outside the corporate limits of the City (herein the City s Jurisdiction ) shall be established and conducted to comply with the environmental performance standards of this Article.
- (b) Compliance determination.
  - (1) Measurement. A determination of the existence of any objectionable element shall be made at the location of the use creating the objectionable element, unless the performance standard measurement criteria specifies another location.
  - (2) Cost of determination.
    - (A) Cost paid by violator. Upon a finding of a violation of this Article by a court of competent jurisdiction, the cost for any technical study conducted by or on behalf of the City to determine the existence of an alleged violation shall be borne by those parties responsible for the violation.
    - (B) Cost paid by City. If it is determined that no violation exists, the costs of the determination shall be borne by the City.
- (c) *Penalty*. Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in accordance with the general penalty provision found in section 1.01.009 of this Code. Each day of violation shall constitute a separate offense.
- (d) Nuisance declared. Any violation of this Article shall constitute a nuisance and shall be abated.
- (e) *Proof of permits*. The City reserves the right to make inspections at any time to ensure compliance with all of the standards found in this Article, and may request proof of the issuance of permits from any other applicable governmental agency within the corporate and extraterritorial limits of the City.

# **Section 8.08.002 Exemptions**

- (a) The following activities and uses are exempt from the environmental performance standards of this Article:
  - (1) Temporary construction;
  - (2) Excavation and grading associated with development for which applicable permits have been issued;
  - (3) The construction of public streets or utilities; and
  - (4) Agricultural activities, such as plowing and tilling.

#### Section 8.08.003 Smoke and Particulate Matter.

- (a) All uses within the City shall operate in compliance with the most current regulations of the Texas Commission on Environmental Quality (TCEQ) pertaining to the control of air pollution and any other applicable regulatory governmental agency.
- (b) No operation or use in City s Jurisdiction shall cause, create or allow the emission of air contaminants which violate State or Federal environmental laws, as referenced herein: Texas Health and Safety Code Ann Chaps. 381 and 382, Air Pollution Prevention and Control, 42 U.S.C.A. 67401, et seq.
- (c) <u>Dust and air contaminants from open storage</u>. Open storage and open processing operations including on-site transportation movements which are the source of windborne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sandblasting shall be so conducted that dust and other particulate air contaminants so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air. All other visible emissions of air contaminants shall conform to the most current regulations of the TCEQ and any other applicable regulatory governmental agency.
- (d) All operations which involve the emission of particulate matter or other air contaminants shall register with the Fire Marshal before obtaining a certificate of occupancy.
- (e) These regulations apply, as herein provided, to:
  - (1) Visible emissions from all operations.
  - (2) Particulate matter from all operations.
  - (3) Hydrocarbons and carbonyl, including but not limited to that from incineration or salvage operations.
  - (4) <u>Sulfur dioxide from all operations</u>. No operation shall cause, create or allow any emission of sulfur compounds calculated as sulfur dioxide from any emission point in excess of 2,000 ppm (vol.).
  - (5) Fumes and gases from all operations.
  - (6) Air contaminants which can cause injury, detriment, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such person or to the public, or which cause or have a natural tendency to cause injury or damage to business or property.

#### Section 8.08.004 Odorous Matter.

- (a) No use shall be operated in the City s Jurisdiction in such a manner that the emission of odorous matter occurs in such quantity or volume as to be the source of discomfort or hazard beyond the bounding property lines of such use.
- (b) No use may be located or operated in the City s Jurisdiction which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or

operation is located. The odor threshold as herein set forth is determined by observation by the Building Official.

(c) In any case where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57, Entitled "STANDARD METHOD FOR MEASUREMENT OF ODOR IN ATMOSPHERES," will be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

## Section 8.08.005 Flammable and Explosive Materials.

- (a) No use involving the manufacture or storage of compounds or products which decompose by detonation is permitted in the City s Jurisdiction except that chlorates, nitrates, perchlorates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal of the City as not presenting a fire or explosion hazard.
- (b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose films, solvents and petroleum products is permitted only when such storage or use conforms to the standards and regulations established by City ordinance.

#### Section 8.08.006 Toxic and Noxious Matter.

- (a) No operation or use permitted in the City s Jurisdiction may emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which exceeds the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, as such regulations exist or may later be amended.
- (b) The storage use and transportation of hazardous chemicals, poisonous gases, acids or radioactive material in any district shall be subject to approval of the Fire Marshal of the City and in accordance with all applicable federal, state, and local laws, regulations, standards, and guidelines.

### Section 8.08.007 Vibrations.

- (a) No operation or use in the City Jurisdiction shall at any time create earthborn vibration which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in Column I of the following table. Nor may it cause, at any single-family, duplex or multifamily residence district boundary, continuous earthborn vibrations higher than the limits set forth in Column II.
- (b) Discrete pulses that do not exceed one hundred (100) impulses per minute may not produce higher than twice the displacement specified in the table. As used in this section, the term displacement means the maximum amount of motion in any direction as determined by a three component simultaneous measuring system. Three-component measuring system means instrumentation that can measure earthborn vibrations in a horizontal, as well as, in a vertical plane.

(c) Vibration regulations: Any operation or activity shall not cause earthborn vibrations in excess of the values set forth in the table below. Column I shall apply at or beyond the lot line; Column II shall apply at or beyond a residence district boundary line. Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring system.

Frequency	I. Displacement	II. Displacement
(cycles per second)	(inches)	(inches)
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

- (d) Impact vibrations, that is, discrete pulses that do not exceed one hundred (100) pulses per minute, shall not cause in excess of twice the displacement values above.
- (e) As used in this section, the term displacement means the maximum amount of motion in any direction as determined by a three component simultaneous measuring system. Three-component measuring system means instrumentation that can measure earthborn vibrations in a horizontal, as well as, vertical plane

#### Section 8.08.008 Glare.

(a) No use or operation in the City s Jurisdiction may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

# Section 8.08.009 Electromagnetic interference.

No use or operation shall be conducted which adversely affects the performance of electromagnetic devices or receivers of electronic signals, including televisions and radios, outside of the boundaries of the property on which the operation occurs.

<u>Section 4.</u> Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Manor (City), the terms and provisions of this ordinance shall control.

<u>Section 5.</u> Savings Clause. This City Council of the City of Manor, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this

ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

**Section 6. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

<u>Section 8.</u> Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**PASSED AND APPROVED THIS** the 19th day of February 2020.

	THE CITY OF MANOR, TEXAS	
ATTEST:	Dr. Larry Wallace Jr., Mayor	
Lluvia T. Almaraz, TRMC City Secretary		