

CITY OF LAVON, TEXAS
ORDINANCE NO. 2017-11-01

Control of Noise – Amending Ord. No. 2005-06-02

AN ORDINANCE OF THE CITY OF LAVON, TEXAS AMENDING ORDINANCE NO. 2005-06-02 TO EXPAND THE RESTRICTED HOURS BY AMENDING THE MORNING (A.M.) RESTRICTION FROM 6:00 AM TO 7:00 AM; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$200.00); PROVIDING FOR PUBLICATION OF THIS CAPTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon, Texas (“City Council”) has been presented with concerns regarding the control of noise regulations and allowed time for activity in the morning; and

WHEREAS, the City Council has determined the following amendment would be in the best interest of the safety, health and general welfare of its citizens.

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

Section 1. Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2. Amendment. Section 4. Establishing Times When Commercial or Heavy Equipment May Not Be Operated, A); Section 5. Establishing Times When Construction May Occur, A); Section 6. Allowing for Special After-Hours Construction or Equipment Permits with Neighbor Approval, A) and B) of Ordinance No. 2005-06-02, shall be amended by changing the morning restriction from 6:00 AM to 7:00 AM.

Section 3. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Lavon, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 4. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Lavon, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 5. Severability. In the event any clause, phrase, provision, sentence, or any 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 provisions hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Lavon, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 6. Open Meeting. It is hereby officially found and determined that all notice required by law has been given and notice of this Ordinance was posted and the Ordinance passed in accordance with the Open Meeting Act.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 7th day of November 2017.



Charles A. Teske, Jr., Mayor

ATTEST:



Kim Dobbs, City Administrator | City Secretary

