

ORDINANCE NO. 750
{AMENDING NUISANCE ORDINANCE}

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NO. 553 AT SECTION 3: ENUMERATION, PARAGRAPH K; AMENDING ORDINANCE NO. 553 AT SECTION 4: NUISANCE STANDARDS AND LOCATIONS, PARAGRAPH B; AMENDING ORDINANCE NO. 553 AT SECTION 3, TO INCLUDE PARAGRAPH T REGARDING ADHERENCE TO THE CITY'S STORM WATER REGULATIONS; PROVIDING THAT THIS ORDINANCE IS ENACTED UNDER CHAPTER 217 SUBCHAPTER A OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Chapter 217 of the Texas Local Government Code authorizes a Type A General Law Municipality to abate and remove a nuisance and punish by fine the person responsible for the nuisance; and

WHEREAS, Chapter 217 also authorizes a City to define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and

WHEREAS, the City is divided into districts designed to lessen congestion in the streets, to secure safety from fire and other dangers; to promote health and general welfare; to provide adequate clean air; to prevent the overcrowding of land and abutting traffic ways; to avoid undue concentrations of the population; and to establish zones where family values, and the blessings of quiet seclusion makes the area a sanctuary for people; and

WHEREAS, the City Council in compliance with the laws of the State of Texas, and the ordinances of the City, and the exercise of the City's legislative discretion and police powers have concluded that the regulations set forth herein should be amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY TEXAS:

SECTION 1. SECTION 3, Paragraph K, of Ordinance No. 553 shall be amended as follows:

K. *The act of allowing or permitting on any premises owned or controlled by such person the emission of music, sound or other noise in a continuous, or for extended periods of time, in such a manner as to disturb persons living in the vicinity of the premises. It shall be presumed to be a violation of this Ordinance if the continuous, or extended periods of time, produce sound or other noise at the property line of such property in excess of:*

- (a) 75 decibels, between the hours of 6:00 a.m. to 11:00 p.m.
- (b) 65 decibels, between the hours of 11:00 p.m. and midnight
- (c) 55 decibels, between the hours of midnight and 1:00 a.m.
- (d) 45 decibels, between the hours of 1:00 a.m. and 6:00 a.m.

SECTION 2. SECTION 3, of Ordinance No. 553 shall be amended to insert Paragraph U as follows:

- U. *The failure to comply, without waiver, with all City drainage and storm water ordinances, rules, and regulations.*

SECTION 3. SECTION 4, Paragraph B, of Ordinance No. 553 shall be amended as follows:

- B. *It is an affirmative defense to a complaint filed pursuant to Section 3(K) of this Ordinance that the property on which the alleged nuisance occurred was an activity expressly authorized pursuant to a special use permit for the property.*

SECTION 4. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

SECTION 5. That all Ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provision of this Ordinance shall be and remain controlling as to the matters ordered herein.

ADOPTED on this the 11th day of July, 2017.

EFFECTIVE DATE on this the 11th day of July, 2017.



CITY OF PARKER, TEXAS

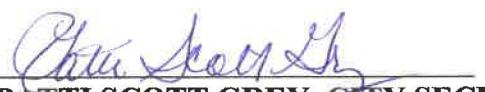
BY:



Z. MARSHALL, MAYOR

ATTEST:

BY:


PATTI SCOTT GREY, CITY SECRETARY

**APPROVED AS TO FORM
AND CONTENT:**

BY:


**BRANDON S. SHELBY,
CITY ATTORNEY**