



**CITY OF GRAND PRAIRIE
PUBLIC SAFETY, HEALTH, AND ENVIRONMENT
COMMITTEE
CITY HALL - COUNCIL CHAMBERS
MONDAY, APRIL 04, 2022 AT 3:00 PM**

AGENDA

The meeting will be held at City Hall Council Chambers, 300 W. Main St, Grand Prairie, Texas, and the Chairman or presiding member will be physically present. Members may be participating remotely via video conference.

CALL TO ORDER

AGENDA ITEMS

Citizens may speak for five minutes on any item on the agenda by completing and submitting a speaker card.

1. February 7, 2022 Public Safety, Health and Environmental Meeting Minutes
2. Parkland's E. Carlyle Smith, Jr. Health Center Overview of Services
3. Loyd Park Glamping Development
4. 2021 Clean Prairie Annual Report
5. 26th Quarterly Judicial Report
6. Presentation of the 2021 Wellness data for GPFD
7. Ordinance appointing Bryan Arnold, Presiding Judge; William Mazur, Jr., Associate Judge; and Frank Hagle, Glenn Holley, Ann Poston, and Kristine Primrose as Alternate Judges of the Grand Prairie Municipal Court effective April 1, 2022.
8. Ordinance Amending Chapter 13, "Health and Sanitation" of the Code of Ordinances of the City of Grand Prairie, Texas, by replacing the provisions of Article 13, "Noise Restrictions" in their entirety with new regulations.
9. Ordinance amending Chapter 5, "Animal Services," of the Code of Ordinances by adding Section 5-21, "Mandatory Sterilization of Dogs for Multiple Violations"

EXECUTIVE SESSION

The Public Safety, Health, and Environment Committee may conduct a closed session pursuant to Chapter 551, Subchapter D of the Government Code, V.T.C.A., to discuss any of the following:

- (1) Section 551.071 "Consultation with Attorney"
- (2) Section 551.072 "Deliberation Regarding Real Property"

- (3) *Section 551.074 “Personnel Matters”*
- (4) *Section 551.087 “Deliberations Regarding Economic Development Negotiations.”*

CITIZEN COMMENTS

Citizens may speak during Citizen Comments for up to five minutes on any item not on the agenda by completing and submitting a speaker card.

ADJOURNMENT

The Grand Prairie City Hall is accessible to people with disabilities. If you need assistance in participating in this meeting due to a disability as defined under the ADA, please call 972-237-8018 or email GPCitySecretary@gptx.org at least three (3) business days prior to the scheduled meeting to request an accommodation.

Certification

In accordance with Chapter 551, Subchapter C of the Government Code, V.T.C.A, the Public Safety, Health, and Environment Committee agenda was prepared and posted April 1, 2022.



Gloria Colvin, Deputy City Secretary



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 04/04/2022

REQUESTER: Lana Yancey

PRESENTER: Jorja Clemson, Chairwoman

TITLE: February 7, 2022 Public Safety, Health and Environmental Meeting Minutes

RECOMMENDED ACTION: Approve

ANALYSIS:



CITY OF GRAND PRAIRIE
**PUBLIC SAFETY, HEALTH, AND ENVIRONMENT
COMMITTEE**
CITY HALL - COUNCIL CHAMBERS, 300 WEST MAIN STREET
MONDAY, FEBRUARY 07, 2022 AT 3:03 PM

MINUTES

CALL TO ORDER

PRESENT

Chairwoman Jorja Clemson
Council Member Dennis King
Council Member Junior Ezeonu

STAFF PRESENTATIONS

1. **Microtransit Vehicle for Hire Service (VIA) 2022 Goals**

An update was given about the Microtransit Vehicle for Hire Service (VIA). The launch date is set for April 20th with a dry run set for April 11th for any Council Members that want to try it out. The VIA App is in the works now and will be ready soon. The App is where anyone who wants to use VIA in Grand Prairie can request and pay for a ride. The charge for a one-way ride is \$3 - \$4 which is much cheaper than UBER or other ride share options. We will start out with 10 vehicles running six days a week with a max wait time for riders of 12 minutes. Once restrictions are lifted each VIA vehicle can pick up eight people at a time. Drivers for VIA are drug tested and if someone is interested in driving for VIA they will have to contact them directly. Informational item only.

2. **Big Event Briefing**

Amy Sprinkles briefed the committee on this item. She explained that the Big Event will take place Saturday, March 26th this year from 8am to 1pm. Cutoff time for volunteer sign up and to submit a job is March 1st. Between March 1st and the 26th, all jobs will be vetted and volunteers will be matched to the different jobs. Marketing for The Big Event has been done via social media, emails to past participants, yard signs, website and video clip. There will be a kickoff party this year at South Grand Prairie High School parking lot at 8am. There will also be Zone leaders that will go by different jobs in their zone to make sure everything is running smoothly. The goal for 2022 is to have 100 jobs, 1,000 volunteers and 60 tons of garbage collected. This event is sponsored and doesn't cost the city anything. Informational item only.

3. **Review of Registered Child Care Home Ordinance**

Cindy Mendez briefed the committee on this item and explained that she is seeking input from the committee on the Registered Child Care Home Ordinance. Right now Grand Prairie only has two types of childcare, Registered Family Home and Licensed Childcare Centers. There have been requests from several Registered Family Home operators to allow Licensed Child Care Homes in order to receive federal funding. An advocacy group has contacted us and were wanting more options for childcare for the children in Grand Prairie. What we learned is if we allow Licensed Child Care Homes they are supposed to have a fire sprinkler system, which costs approximately \$5,000 - \$7,000 in a 2,000 square foot home. Grand Prairie has taken extra precautions since a kidnapping happened in the 80's to make sure that our children are safe. The Committee Members are in favor of allowing License Child Care Homes but also do not want to put anyone out of business due to the high cost of the fire sprinkler system. We will do more research and brainstorming on this item and bring it back to this committee at a later date.

Speakers who spoke in favor of this item:

Roslyn Chaney, 4527 Queenswood Dr., Grand Prairie, TX 75052

Leah Stanley, 332 Clemente Dr., Grand Prairie, TX 75052

Jerletta MCDonald, 57722 Indian Hills, Arlington, TX 76018

AGENDA ITEMS

4. **January 10, 2022 Public Safety, Health and Environmental Meeting Minutes**

Chairwoman Jorja Clemson requested a motion to approve the minutes as written.

Motion made by Council Member Ezeonu, Seconded by Council Member King.
Voting Yea: Chairwoman Clemson, Council Member King, Council Member Ezeonu

5. **Resolution Designating A Portion of EpicCentral As A “Public Entertainment Zone”**

Deputy City Manager Megan Mahan briefed the committee on this item. She explained that a portion of EpicCentral will be designated as a Public Entertainment Zone. This will enable patrons of the different restaurants in this area to purchase an alcoholic beverage from one place and walk around with it in this space. We had to go to legislature to get a special law passed, which specifically states that a Public Safety Building has to be within the Public Entertainment Zone.

Motion made by Council Member King, Seconded by Council Member Ezeonu.
Voting Yea: Chairwoman Clemson, Council Member King, Council Member Ezeonu

EXECUTIVE SESSION

No Executive Session

ADJOURNMENT

4:02 pm

Jorja Clemson, Chairwoman



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 04/04/2022

REQUESTER: Cindy Mendez

PRESENTER: James Perez, Parkland’s VP of Clinic Operations

TITLE: Parkland’s E. Carlyle Smith, Jr. Health Center Overview of Services

RECOMMENDED ACTION: None

ANALYSIS:

Parkland’s E. Carlyle Smith, Jr. Health Center at Grand Prairie provides healthcare to children, adults, and seniors. These services include physicals, preventive care check-ups, chronic disease management, sick visits and acute care. Mr. Perez will provide an update on services to the Grand Prairie community.

FINANCIAL CONSIDERATION:

None



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 03/25/2022

REQUESTER: Megan Mahan

PRESENTER: Marty Wieder, Economic Development Director

TITLE: Loyd Park Glamping Development

RECOMMENDED ACTION: Presentation Only



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 04/04/2022

REQUESTER: Cindy Mendez

PRESENTER: Cindy Mendez, Public Health & Environmental Quality Director

TITLE: 2021 Clean Prairie Annual Report

RECOMMENDED ACTION: Informational

ANALYSIS:

In 2021, despite restrictions due to COVID-19, city partners of Clean Prairie carried out the various activities and public education to promote partnerships in the community. Public Health, Environmental Quality, Housing & Neighborhood Services, Code Compliance, and Solid Waste & Recycling worked together to maximize these efforts.

FINANCIAL CONSIDERATION:

None



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 04/04/2022
REQUESTER: Olivia Tucker
PRESENTER: Bryan S. Arnold, Presiding Judge
TITLE: 26th Quarterly Judicial Report
RECOMMENDED ACTION: Approve

JUDICIAL ACTIVITY REPORT

March 2021 - February 2022

	2021 MARH	2021 APRIL	2021 MAY	2021 JUNE	2021 JULY	2021 AUG	2021 SEPT	2021 OCT	2021 NOV	2021 DEC	2022 JAN	2022 FEB	TOTAL
<u>New Cases Filed</u>													
Ticket Count	3742	3266	3177	3688	3670	3964	3219	3192	3338	2331	2411	2597	38595
<u>Arraignments</u>													
Misdemeanor	216	207	207	215	207	137	240	219	203	254	158	180	2443
Felony	273	251	198	260	241	150	159	232	179	189	169	170	2471
Class C	485	464	414	593	560	552	652	734	689	520	284	510	6457
<u>Counsel Requested</u>													
Misdemeanor	151	146	140	121	154	95	133	133	95	124	97	92	1481
Felony	176	168	138	141	168	143	103	157	117	125	112	104	1652
<u>Trial by Judge</u>													
Actual	0	0	0	0	3	1	0	0	1	0	2	1	8
Scheduled	0	0	0	0	7	4	1	1	1	0	2	1	17
<u>Trial by Jury</u>													
Actual	0	0	0	0	0	2	2	0	0	0	0	0	4
Scheduled	0	0	0	0	0	6	6	5	7	8	12	6	50
<u>Arrest Warrants Issued</u>													
Class C	2868	1959	2346	2906	2660	2711	2949	2591	2500	2812	2540	1195	30037
Misdemeanor	38	18	25	21	24	27	27	20	9	17	25	22	273
Felony	65	69	53	71	41	63	53	49	54	40	43	38	639
<u>Search Warrants Issued</u>													
Search	26	40	30	31	30	24	25	19	10	21	17	21	294
DWI Blood	22	35	34	22	23	14	30	27	26	31	11	13	288
Code Compliance	1	3	1	1	0	0	1	0	1	0	0	0	8
<u>Emergency Protective Orders</u>													
	27	17	22	14	19	30	16	15	16	16	23	16	231
<u>Magistrate's Order for Mental Health Assessment</u>													
	1	4	9	6	0	5	0	2	1	2	1	4	35
<u>Ignition Interlock</u>													
	5	4	9	1	5	7	2	7	4	2	3	2	51
<u>Hearings</u>													
Animal	0	0	0	0	0	0	0	0	0	0	0	0	0
Property	0	0	0	1	0	5	6	0	9	7	0	0	28
Indigent	0	0	0	27	0	25	42	47	52	27	29	31	280
<u>No Probable Cause</u>													
	1	2	2	3	1	0	0	0	2	0	1	0	12
<u>Juvenile</u>													
Traffic Cases	28	38	44	50	32	36	27	29	26	28	28	28	394
Penal Cases (Alcohol, Theft, Curfew, etc.)	15	5	15	14	13	13	19	7	11	9	6	4	131



**CITY OF GRAND PRAIRIE
COMMUNICATION**

MEETING DATE: 04/04/2022
REQUESTER: Robert Fite
PRESENTER: Robert Fite, Fire Chief
TITLE: Presentation of the 2021 Wellness data for GPFD
RECOMMENDED ACTION: None

ANALYSIS:

We will present our wellness data related to our annual exams.

FINANCIAL CONSIDERATION:

None



**CITY OF GRAND PRAIRIE
ORDINANCE**

MEETING DATE: 04/04/2022

REQUESTER: Olivia Tucker

PRESENTER: Bryan S. Arnold, Presiding Judge

TITLE: Ordinance appointing Bryan Arnold, Presiding Judge; William Mazur, Jr., Associate Judge; and Frank Hagle, Glenn Holley, Ann Poston, and Kristine Primrose as Alternate Judges of the Grand Prairie Municipal Court effective April 1, 2022.

RECOMMENDED ACTION: Approve

ANALYSIS:

On April 4, 2016, Judge Bryan Arnold was appointed Presiding Judge. His most recent reappointment was on April 1, 2020.

On August 7, 2018, Judge William Mazur, Jr. was appointed Associate Judge. His most recent reappointment was on April 1, 2020.

Frank Hagle, Glenn Holley, Ann Poston and Kristine Primrose have each served multiple terms as Alternate Judges. Their most recent reappointment was on April 1, 2020.

In 2020, in order to provide consistency in appointments, staff made the decision to make it a practice to bring forth all judicial appointments at the same time, and include all judges (Presiding, Associate and Alternate) in one Ordinance.

This ordinance will appoint all Judges for the Municipal Court effective April 1, 2022.

FINANCIAL CONSIDERATION:

Funds are available in 201010-500200 and 201010-61360 for wages.

BODY

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, APPOINTING A PRESIDING JUDGE, ASSOCIATE JUDGE, AND ALTERNATE JUDGES OF THE GRAND PRAIRIE MUNICIPAL COURT; PROVIDING FOR COMPENSATION OF THOSE JUDGES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the current two-year terms of the Presiding Judge, Associate Judge and Alternate Judges of the Grand Prairie Municipal Court expire on March 31, 2022.

WHEREAS, Bryan S. Arnold is hereby reappointed by the City Council as the Presiding Judge of the Grand Prairie Municipal Court;

WHEREAS, William A. Mazur, Jr. is hereby reappointed by the City Council as the Associate Judge of the Grand Prairie Municipal Court;

WHEREAS, Frank Hagle, Glenn Holley, Ann Poston and Kristine Primrose are hereby reappointed by the City Council as Alternate Judges of the Grand Prairie Municipal Court.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. That the City Council appoints Bryan S. Arnold as the Presiding Judge of the Grand Prairie Municipal Court for the term beginning April 1, 2022 and ending March 31, 2024.

SECTION 2. That the City Council appoints William A. Mazur, Jr. as Associate Judge of the Grand Prairie Municipal Court for the term beginning April 1, 2022 and ending March 31, 2024.

SECTION 3. That the City Council appoints the following individuals as Alternate Judges of the Grand Prairie Municipal Court, for the term beginning April 1, 2022 and ending March 31, 2024:

Frank Hagle; Glenn Holley; Ann Poston; and Kristine Primrose

SECTION 4. Compensation for the presiding judge, associate judge, and alternate judges shall be determined by the City Manager in accordance with Chapter 10, Section 10-2(b) of the Code of Ordinances of the City of Grand Prairie.

SECTION 5. That this Ordinance shall be and become effective April 1, 2022 and after its adoption and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, ON THIS THE ____ DAY OF _____ 20__.



**CITY OF GRAND PRAIRIE
ORDINANCE**

MEETING DATE: 04/04/2022

REQUESTER: Walter Shumac, Director of Transportation Services

PRESENTER: Caryl DeVries, Senior Traffic Engineer

TITLE: Ordinance Amending Chapter 13, “Health and Sanitation” of the Code of Ordinances of the City of Grand Prairie, Texas, by replacing the provisions of Article 13, “Noise Restrictions” in their entirety with new regulations.

RECOMMENDED ACTION: Approve

ANALYSIS:

The City passed an ordinance restricting noise in 2000. Noise is a common issue within the City, and it is difficult to enforce. As such, city staff proactively reviewed this ordinance, compared it the noise ordinances for other cities and subsequently identified ways to improve the enforcement of noise violations. Staff believes that the proposed revisions will help with enforcement of our noise ordinance by improving the reasonable person standard against which noise complaints are evaluated. The ordinance also reduces from 50 feet to 30 feet the distance beyond which offending noise in public spaces may travel. The revisions also clearly define certain noise related offenses in the city.

The City of Grand Prairie also has received complaints from residents regarding noise generated by large trucks using “compression” or “engine” brakes (also commonly known as “Jake Brakes”) as a means of slowing their rate of travel. The proposed revisions to the noise ordinance include a specific provision to prohibit the use of compression brakes inside the city limits.

A compression brake is an engine braking mechanism installed on some diesel engines. When activated, it opens exhaust valves in the cylinders after the compression cycle, releasing the compressed air trapped in the cylinders, and slowing the vehicle. The use of compression release engine brakes may cause a vehicle to make a loud chattering or “machine gun” exhaust noise, especially on vehicles having high flow mufflers or no mufflers at all. The noise can be quite loud and creates a nuisance that disrupts and/or diminishes the quality of life of surrounding residents.

Current City Code does not directly address the noise caused by compression brakes. Our existing ordinances related to noise in Chapter 13 Health and Sanitation, Article XIII Noise Restrictions, apply to discharging vehicle exhaust through a muffler but do not reference the muffling of any noise from the vehicle. To better address citizen concerns and mitigate negative impacts from noise on Grand Prairie residents and visitors, staff recommends adoption of the attached ordinance.

Upon adoption, staff will post the appropriate signs on applicable City streets and work with the Texas Department of Transportation (TxDOT) to install within their jurisdiction. In staff's initial contact with the Dallas and Fort Worth area offices, TxDOT has agreed to allow the installation of these signs at approved locations. Once the signs have been installed, Transportation staff will contact the police department and advise them of the locations of the signs to facilitate enforcement.

This item was presented for consideration to the Public Safety, Health and Environmental Committee on February 7, 2022.

FINANCIAL CONSIDERATION:

No funding is required for this ordinance.

A separate ordinance for funding in the total requested amount of \$19,800.00 is available by approving an ordinance transferring and appropriating from the unobligated fund balance in the Street Capital Projects Fund (400192) in a separate ordinance that was presented and approved by the Finance and Government on March 1, 2022.

BODY

AN ORDINANCE AMENDING CHAPTER 13, "HEALTH AND SANITATION" OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS, BY REPLACING THE PROVISIONS OF ARTICLE XIII, "NOISE RESTRICTIONS" IN THEIR ENTIRETY WITH NEW REGULATIONS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, noise can be detrimental to human health and quality of life; and

WHEREAS, the regulation of noise is an important exercise of a city's police power to protect the tranquility, quiet enjoyment, and well-being of the community; and

WHEREAS, the City of Grand Prairie currently has no prohibition on the use of motor vehicle compression brakes within the city limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. That Article XIII, "Noise Restrictions," of Chapter 13, "Health and Sanitation," of the Code of Ordinances of the City of Grand Prairie, is hereby amended to read as follows:

“ARTICLE XIII. NOISE RESTRICTIONS

Sec. 13-275. Definitions.

When used in the context of this article, the following definitions shall apply:

A-weighted sound level: shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. This level is designated dB(A) or dBA.

Background sound pressure level: shall mean that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and the sound from the source under investigation. Background sounds are those that are relatively constant at the point of measurement.

Boundary line: an imaginary line exterior to any enclosed structure, at the ground surface and its vertical extension, which separates the real property owned by one (1) person from that owned by another person.

Commercial: shall mean any premises where offices, clinics, kennels, shopping and service establishments or similar retail establishments exist and where the use of less than twenty-five (25) per cent of the gross floor area meets the definition of residential premises.

Construction: shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action.

Daytime: shall mean the hours between 6:00 a.m. and 10:00 p.m.

Decibel: shall mean a logarithmic unit of measure often used in measuring magnitudes of sound. Represented by the symbol dB.

Director: shall mean the director or manager of the departments or divisions designated by the City Manager to enforce and administer this Article.

Extraneous sound: shall mean a short-duration or intermittent sound that is neither part of the background sound, nor comes from the source under investigation.

Engine compression brake: shall mean a vehicle retarding device that converts a power producing engine into a power absorbing air compressor in order to reduce motor vehicle speed without the use of the vehicle's foundation brakes.

Impulsive sound: shall mean sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Industrial: shall mean any premises where manufacturing, processing or fabrication of goods or products takes place.

Leq: shall mean an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same period. The time period of monitoring will be continuous over a minimum of fifteen (15) minutes and will use the A-weighting network reported in decibel units.

Nighttime: shall mean the hours between 10:00 p.m. and 6:00 a.m.

Noise: shall mean sound that is measured as the sound pressure level in decibels (dB).

Noise nuisance: shall mean any unreasonably loud, irritating, vexing or disturbing sound originating from a nearby property under separate ownership which causes injury, discomfort, or distress of a person of reasonable nervous sensibilities.

Person: shall mean any individual, firm, association, partnership, corporation, or any other entity, public or private.

Pure tone: shall mean any sound that can be distinctly heard as a single pitch or a set of single pitches.

Residential: shall mean any premise where single or multiple dwelling units exist and shall include schools, libraries, churches, hospitals, nursing homes and similar institutional facilities including any commercial premise where the use of more than twenty-five (25) per cent of the gross floor area meets this definition of residential premise. However, motels and hotels shall be considered commercial properties.

Sound: shall mean an oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation.

Sound pressure level: shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^6 Newtons/meter²).

Sec. 13-276. Method of noise measurement.

- (a) *Sound level meter.* Whenever portions of this article prohibit sound levels over a certain decibel limit, measurement of said sound levels shall be made with standardized sound meters, using the A-weighting network meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling event. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Windscreens shall be used whenever appropriate.
- (b) *Background sound level measurement.* When the sound under investigation can be discontinued, the background sound shall be measured at the same location where the total sound was measured. When the sound under investigation cannot be reasonably discontinued, the background sound may be measured at an alternative location. The alternative location should be as close as feasible to the location of the total sound measurement, but so located that the source under investigation has no effect on the background sound level measurement. The size and distribution of buildings in the vicinity, the local topography, and the traffic at the alternate location should be reasonably similar to the conditions at the location of the total sound level measurements.

Sec. 13-277. Presumptions.

- (a) The following acts are presumed to be "noise nuisances", and are unlawful and in violation of the provisions of this article when such acts are done or accomplished or carried on in such a manner, or with such volume, intensity, or with continued duration, so as to unreasonably: annoy, distress, or disturb the quiet, comfort, or repose of any person of reasonable nervous sensibilities within the vicinity or hearing thereof; endanger or injure the safety or health of humans; interfere with the physical well-being of humans; or endanger or injure personal or real property:
- (1) *Advertising or attracting attention.* The crying, calling, or shouting, in person or by mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker, with or without amplifier, hand organ, or other devices or instruments, musical or otherwise, for the purpose of advertising any candidates for elective office, any goods, wares, or merchandise, or for the purpose of attracting attention to or inviting persons to any place of amusement, to any performance or show, or to any business or similar activity.
 - (2) *Animals.* Owning, keeping, possessing or harboring any animal or animals (including fowl) which, by frequent or habitual noisemaking, unreasonably disturb or interfere with the use, comfort, and repose of neighboring persons. The provisions of this subsection shall apply to all public and private facilities, including any animal shelter, commercial kennel, or veterinary clinic, which holds or treats animals.
 - (3) *Motor vehicle exhaust system.* Discharging, or permitting to be discharged into the open air, the exhaust of a motor vehicle or other vehicle except through a muffler, or similar device, which will effectively and efficiently prevent loud and unreasonable noises.
 - (4) *Motor vehicle signal device.* The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal.
 - (5) *Motor vehicles out of repair.* Operating or permitting to be operated any motor vehicle or other vehicle so out of repair or overloaded in such a manner, which emits or creates a loud and [un]reasonable noise.
 - (6) *Motor vehicle stereo systems.* The playing of any stereo system, whether stationary or located within a motor vehicle, in such a manner or with such volume as to disturb persons within thirty (30) feet of the stereo system or motor vehicle containing the stereo system or as to unreasonably impair the use or enjoyment of public or private property.
 - (7) *Loudspeakers used on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale or display of merchandise, or any other purpose.
 - (8) *Yelling, shouting, etc.* The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors or any other persons.
 - (9) *Radios, musical instruments, and similar devices.* The playing or permitting or causing the playing of any radio, television, phonograph, stereo system, drum, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound in a manner that unreasonably disturbs or interferes with the peace, comfort, and repose of persons on bounding property, or in any dwelling, apartment, hotel, motel, or other type of residence.
 - (10) *Air horns and whistles.* The sounding of an air horn or whistle by a train or other vehicle on a train track within the city while approaching an area of such tracks that has a road, street or

highway that allows vehicular traffic to cross such tracks, at a time when such crossing is marked by lights, bells, or other audible signals, as well as arms that drop across and block the entire portion of the roadway that crosses such tracks, specifically on the Union Pacific Railroad tracks, between Jefferson and Main Streets, from Mile Post 234.56 (Bagdad Road) to Mile Post 235.95 (Belt Line Road).

(11) *Restricted hours of operation.*

- a. *Building construction.* The erection including excavation, demolition, alteration or repair of any building, structure or appurtenance thereto, within any residential district or within three hundred (300) feet of any residential structure, shall be limited to daytime hours, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the chief building official. This restriction shall also apply to the clearing of land prior to future development.
- b. *Street construction.* The erection including excavation, demolition, alteration or repair of any street, alley or appurtenance thereto, within any residential district or within three hundred (300) feet of any residential structure, shall be limited to daytime hours, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the city engineer.
- c. *Trash compaction and collection.* The generation of noise from the operation of any trash compacting mechanism on any motor vehicle or on any premise, or the collection of any trash, rubbish, or garbage, within any residential district or within three hundred (300) feet of any residential structure, shall be limited to daytime hours, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the solid waste manager.
- d. *Loading and unloading operations.* The generation of noise from the loading or unloading of trucks or similar large type vehicles (one (1) ton and over); including the opening, closing, or other handling of boxes, crates, containers, building material, or similar operations connected with loading or unloading of such vehicles, within any residential district or within three hundred (300) feet of any residential structure, shall be limited to daytime hours, except in the case of urgent necessity in the interest of public safety, for which approval shall be obtained from the Director.
- e. *Truck idling.* The operation of any engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's Gross Vehicle Weight (GVW), within any residential district or within three hundred (300) feet of any residential structure, shall be limited to a period not to exceed fifteen (15) minutes, provided however, that vehicles confined and operated within an enclosed structure shall not be subject to the provisions of this section.
- f. *Vehicle repairs or testing.* The repairing, rebuilding, modifying or testing of any motor vehicle (including off-road vehicles) or watercraft in such a manner as to cause a noise disturbance, within any residential district or within three hundred (300) feet of any residential structure, shall be limited to daytime hours.

Sec. 13-278. Offenses.

(a) *Noise Disturbance.* A person commits an unlawful noise disturbance in violation of this article, unless otherwise provided, if the person makes, causes to be made, or allows any noise:

(1) Such that it is a nuisance that annoys, distresses, or disturbs the quiet, comfort, or repose of any reasonable person with ordinary sensibilities

(a) located on the receiving property or at the curb line or boundary line of the receiving property, or

(b) located on the boundary line closest to the source of the sound; or

(2) Such that it is plainly audible by any peace officer or other enforcement agent

(a) located on the receiving property or at the curb line or boundary line of the receiving property, or

(b) located on the boundary line closest to the source of the sound, or

(c) located at thirty (30) feet, or more, from where the source of the sound is generated, if in a space accessible to the public or a public right-of-way; or

(3) Which exceeds the maximum permissible sound levels identified in Section 13-282.

(b) *Engine compression brake.* A person commits an offense if he uses an engine compression brake to slow or stop a motor vehicle within the corporate limits of the City of Grand Prairie.

(1) It is a defense to prosecution under this section that:

(a) the motor vehicle was a fire apparatus owned or operated by a governmental entity; or

(b) the engine compression brake was used in an emergency situation to prevent or reduce an imminent danger of death or bodily injury to a person or damage or destruction to property.

Sec. 13-279. Vibration.

(a) For the purpose of this section, "vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(b) It shall be unlawful to operate, or to permit or to cause the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at thirty (30) feet from the source if in a public space or public right-of-way.

Sec. 13-280. Exceptions.

The provisions of this article shall not apply to:

(1) The emission of sound for the purpose of alerting persons to an emergency.

(2) The sound was produced by an authorized emergency vehicle.

- (3) The sound was produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following fire, accident, or natural disaster.
- (4) The sound generated by a parade and spectators and participants on the parade route during a city-approved parade.
- (5) The sound generated from normal activities conducted on public playgrounds and public or private school grounds, included but not limited to, school athletic and school entertainment events.
- (6) The sound generated by any activity regulation thereof that has been preempted by state or federal law, including, but not limited to, sound produced by aircraft in flight.
- (7) The sound generated by any church or clock carillons, bells, or chimes.
- (8) The sound generated by any vehicle of the city while engaged in necessary public business.
- (9) The sound generated by spectators and participants of any outdoor event, race, festival, or concert that was sponsored, or co-sponsored by the city.
- (10) The sound generated in the discharge of weapons from a historical reenactment or a fireworks display permitted by the city.
- (11) The sound generated by any governmental body in the performance of a governmental function.
- (12) The sound generated by the normal maintenance of property provided the activities take place during daytime hours.
- (13) The sound generated by any other lawful activity that constitutes protected expression pursuant to the First Amendment of the United States Constitution. By this exception, it is not intended to restrict or extend the rights of citizens to the valid expression of their rights and beliefs. Any protected expression retains with it the responsibility to exercise such expression with regard to the rights and sensibilities of others, and within reasonable time and place limitations imposed by other legal standards.

Sec. 13-281. Noise sensitive/quiet zones.

- (a) It is unlawful for any person to create any noise which causes the noise level at any school, hospital or similar health care institution, church, or library while the same in use, to exceed the noise standards specified in section 13-282 prescribed for the assigned noise zone in which the school, hospital or similar health care institution, church or library is located, or which noise level unreasonably interferes with the usage of such institutions, or which unreasonably disturbs or annoys patients in a hospital, convalescent home or similar health care institution.
- (b) All such designated zones must be marked by conspicuous signs that are displayed within one-tenth mile of the institution or facility.

Sec. 13-282. Designated noise zones.

- (a) *Noise Zone 1:* All residential structures or properties.
- (b) *Noise Zone 2:* All commercial properties.
- (c) *Noise Zone 3:* All manufacturing, industrial, or governmental properties.

(d) *Noise Zone 4*: All properties designated as having entertainment as a major use by the city council.

Sec. 13-283. Maximum permissible sound levels.

(a) The following noise standards, unless otherwise specifically indicated, shall apply to all property within a designated noise zone:

Noise Standards

Noise Zones	Time of Day	Average Equivalent Sound Levels (Leq)
Noise Zone 1	6:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 6:00 a.m.	58 dB(A)
Noise Zone 2	6:00 a.m. to 10:00 p.m.	67 dB(A)
	10:00 p.m. to 6:00 a.m.	60 dB(A)
Noise Zone 3	6:00 a.m. to 10:00 p.m.	70 dB(A)
	10:00 p.m. to 6:00 a.m.	65 dB(A)
Noise Zone 4	6:00 a.m. to 1:00 a.m.	80 dB(A)
	1:00 a.m. to 6:00 a.m.	60 dB(A)

- (b) When noise contains strong pure tone components or is impulsive, 5 dB(A) shall be subtracted from the appropriate limitation.
- (c) If the background sound level exceeds the applicable standard, the background level shall be the standard.
- (d) Measurements may be taken at a point on adjacent private property or on either side of an adjacent public right-of-way at or near the boundary line of the property where the noise is generated.
- (e) When the noise zone of the property on which the source of sound originates differs from the designation of the property on which the sound is measured, the more restrictive noise standard shall apply. This requirement shall not apply to properties within the Zone 4 classification.
- (f) At any time in a measurement period, no noise may exceed the maximum sound level standard plus 20 dB(A).

Sec. 13-284. Noise abatement studies.

- (a) An existing facility which exceeds the noise limitation levels in this article may be required by the Director to submit a noise abatement study to the city that details the steps that will be taken to bring the facility into compliance. The study must be conducted by a qualified person approved by the Director. The study must contain at a minimum the following:
 - (1) A description of the facility.
 - (2) An analysis of the source of the noise.
 - (3) An analysis of the abatement measures necessary to bring the facility into compliance.
 - (4) A noise abatement measures implementation schedule not to exceed a time frame of six (6) months without the written permission of the Director.
 - (5) Any other items required by the Director.

- (b) A new or proposed facility that has the potential to exceed the noise limitation levels contained in this article may be required by the Director to submit a noise abatement study to the city, prior to the issuance of any building permits, that details the steps that will be taken to ensure the facility will be in compliance. The study must be conducted by a qualified person approved by the Director. The study must contain at a minimum the following:
- (1) A description of the facility.
 - (2) An analysis of the source of the noise.
 - (3) An analysis of the abatement measures necessary to bring the facility into compliance.
 - (4) A noise abatement measures implementation schedule not to exceed the facility's construction schedule without the written permission of the Director.
 - (5) Any other items required by the Director.

Sec. 13-285. Punishment for violations, other remedies.

- (a) Any person, firm, or corporation who violates any provision of this article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health, for each act of violation and for each day of violation.
- (b) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the city, with a representative of a city department, with monitoring equipment, or with a person who has been ordered to abate a situation pursuant to this article and who is lawfully engaged in such abatement is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (c) In addition to proceeding under authority of subsections (a) and (b) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this article.

Sec. 13-286. Administrative liability.

- (a) No officer, agent, or employee of the city shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such person's duties under this article.
- (b) Any suit brought against any officer, agent, or employee of the city as a result of any act required or permitted in this discharge of such duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

Secs. 13-287—13-299. Reserved.”

SECTION 2. That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 3. That Chapter 13, “Health and Sanitation,” of the Code of Ordinances of the City of Grand Prairie, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That the terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 5. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 6. That this Ordinance shall be and become effective immediately upon and after its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, APRIL 19TH, 2022.



**CITY OF GRAND PRAIRIE
ORDINANCE**

MEETING DATE: 4/5/2022

REQUESTER: Fred Bates, Jr.

PRESENTER: Daniel Scesney, Chief of Police
Lily E. Yap, Animal Services Division Manager

TITLE: Ordinance amending Chapter 5, "Animal Services," of the Code of Ordinances by adding Section 5-21, "Mandatory Sterilization of Dogs for Multiple Violations"

RECOMMENDED ACTION: Approve

ANALYSIS:

The Animal Services Division of the Police Department works to control surplus population of dogs without homes to prevent the unmanageable and neglected population of animals. This ordinance amendment seeks to offer provisions to mitigate the multiple code violations for dog owners who irresponsibly continue to allow the continuous procreation of their animals, thereby causing a significant surplus population of dogs without homes.

The Public Safety, Health, and Environmental Committee reviewed this item on April 4, 2022, and approved that it be forwarded to the full Council.

FINANCIAL CONSIDERATION:

None

BODY

AN ORDINANCE AMENDING CHAPTER 5, "ANIMAL SERVICES," OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS, TO PROVIDE FOR THE MANDATORY STERILIZATION OF DOGS THAT ARE THE SUBJECT OF MULTIPLE CODE VIOLATIONS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, reproduction by stray and at-large dogs creates a surplus population of dogs without homes; and

WHEREAS, a surplus population of stray dogs negatively impacts the health, welfare, and safety of the public; and

WHEREAS, dogs that are intact (as opposed to dogs that are sterilized) constitute a significantly higher percentage of dogs that exhibit aggressive behaviors; and

WHEREAS, dogs that are intact are significantly more prone to sexual roaming and reproductive-related irritability and aggression; and

WHEREAS, the health, safety, and welfare of the community is served by mitigating the negative behaviors of dogs such as roaming and aggression; and

WHEREAS, sterilization of dogs is proven to be an effective means of mitigating behaviors such as roaming and aggression; and

WHEREAS, the City Council has determined that mandatory sterilization of dogs that are the subject of frequent impoundment, violations, and quarantine is appropriate to serve the health, safety, and welfare interests of the community

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. That Article II of Chapter 5, “Animal Services,” of the Code of Ordinances of the City of Grand Prairie, Texas, is hereby amended to read as follows:

“Sec. 5-21. – Mandatory sterilization of dogs for multiple violations

(a) If, within any twelve (12) month period, a dog is impounded three (3) times under this chapter, then the dog must be sterilized by an animal health care provider. The owner of the dog must provide to the Animal Services Manager written proof of sterilization from an animal health care provider not later than thirty (30) days after the date on which the dog is released from the third impoundment. This section shall not apply if any one (1) of the three impoundments in the twelve (12) month period was the result of natural forces, fire, or the criminal act of a third party who was not residing at the dog owner’s residence.

(b) If, within any twelve (12) month period, the owner of a dog is convicted of three (3) violations related to the same dog under Section 5-12(a) (running at large), then the dog must be sterilized by an animal health care provider. The owner of the dog must provide to the Animal Services Manager written proof of sterilization from an animal health care provider not later than thirty (30) days after the date of the third conviction. For purposes of this subsection, deferred adjudication for a citation is deemed to be a conviction.

(c) If, within any twelve (12) month period, a dog is confined or quarantined three (3) times under Section 5-16 (Confinement where person has been attacked), then the dog must be sterilized by an animal health care provider. The owner of the dog must provide to the Animal Services Manager written proof of sterilization from an animal health care provider not later than thirty (30) days after the date on which the dog is released from the third confinement or quarantine.

(d) If, within any twelve (12) month period, any combination of single events listed in (a), (b), or (c) of this Section occurs three times, then the dog that is the subject of those three events must be sterilized by an animal health care provider. The owner of the dog must provide to the Animal Services Manager written proof of sterilization from an animal health care provider not later than thirty (30) days after the date on which the triggering date of the third event occurs as outlined in (a), (b), or (c) of this Section.

For example, if, within a twelve (12) month period, a dog is impounded a single time, the owner of the same dog is convicted of a single citation, and the same dog is quarantined a single time, then this Section applies.

(e) The Animal Services Manager may either extend the sterilization deadline or rescind the requirement for sterilization upon presentation of a written veterinary report, stating that the life or health of the adopted animal may be jeopardized by surgery. There is no limit to the number of extensions that may be granted under this subsection.

(f) If the dog dies on or before the sterilization completion date, the owner of the dog shall deliver to the Animal Services Manager a signed letter stating that the animal is dead. The letter shall be delivered not later than the seventh day after the date of the dog's death, and it shall describe the cause of death if known and provide the date of death. A person commits an offense if the Animal Services Manager does not receive the letter before the expiration of the seventh day after the sterilization completion date.

(g) If the dog is lost or stolen before the sterilization completion date, the owner of the dog shall deliver to the Animal Services Manager a signed letter stating that the dog is lost or stolen. The letter shall be delivered not later than the seventh day after the date of the dog's disappearance, and it shall describe the circumstances surrounding the disappearance and the approximate date of disappearance. A person commits an offense if the Animal Services Manager does not receive the letter before the expiration of the seventh day after the sterilization completion date.

(h) It shall be an offense for any owner of a dog to fail to timely provide written proof of sterilization as required by this section.

(i) *Appealing requirement for mandatory sterilization.*

(1) The owner of a dog mandated to be sterilized under this section may appeal the requirement for mandatory sterilization to the City Manager's designee by filing a written appeal with the Animal Services Manager within ten (10) business days after the date which triggers the thirty (30) day deadline for sterilization, as described in Sections 5-41(a)-(c). The Animal Services Manager shall forward the appeal and related documentation to the City Manager's designee.

(2) The City Manager's designee shall hold a hearing within ten (10) business days of the appeal being received and shall have five (5) business days after the conclusion of the hearing to render a written decision."

SECTION 2. That Chapter 5, "Animal Services," of the Code of Ordinances of the City of Grand Prairie, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 3. That the terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 4. That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 5. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency

and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 6. That this Ordinance shall be and become effective immediately upon and after its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE ON THIS THE 5TH DAY OF APRIL, 2022.