



**CITY OF BANDERA**  
**CITY COUNCIL REGULAR MEETING**

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, March 12, 2024 at 6:00 PM

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511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

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**AGENDA**

- 1. Call to order.**
- 2. Invocation and Pledge.**
- 3. Visitors to be heard (shall not exceed 30 minutes total).**

*Citizens wishing to be heard may do so on all matters except personnel matters, matters listed on the agenda as a public hearing, and matters under litigation. Each person addressing the council must provide his/her legal name and current address for city records and meeting minute preparation. Each person will only be allowed to speak on matters on the agenda during citizen's forum/public comment. No rebuttals will be permitted. Each person addressing the governing body shall not exceed three (3) minutes. Section 551.042, Government Code, V.T.C.A. (i.e. Texas Open Meetings Act) permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting, but any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting. All remarks shall be addressed to the council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the council may be requested to leave the meeting.*

**4. Consent Agenda.**

A. Approval of minutes from the February 27, 2024 meeting.

**5. Staff Reports.**

A. Code Enforcement Quarterly Report.

**6. Presentations.**

A. Presentation of 5 years of service awards to Jay Calkins and Allyson Wright.

**7. Discussion and possible action on the following items:**

A. Review applications for EDC positions and make appointments.

B. Adopt a Hotel Occupancy Tax (HOT) policy. - Breen

C. Appoint persons to a temporary ad-hoc Events Committee to recommend changes in the City of Bandera Event Policies and Ordinances as applicable. - Flowers

D. Amend Section 8.04 Noise of the Code of Ordinances.

**8. Requests and Announcements.**

A. Requests by Council to place items on an agenda.

B. Announcements by Council.

**9. Adjourn.**

/s/ Jill Shelton

Jill Shelton, City Secretary

*The City Council for the City of Bandera reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matter listed above, as authorized by Texas Government Code §551.071 (Consultations with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices) and §551.086 (Economic Development). There may be a quorum of Economic Development Corporation/Planning and Zoning member at any regularly scheduled City Council Meeting. This facility is wheelchair accessible and handicapped parking is available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (830) 796-3765. This agenda is posted in accordance with the Texas Government Code, Chapter 551 on March 8, 2024.*



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Tuesday, February 27, 2024 at 6:00 PM

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## MINUTES

**1. Call to order.**

The meeting was called to order at 6:00PM.

**PRESENT**

- Mayor Rebeca Gibson
- Councilmember Tony Battle
- Councilmember Debbie Breen
- Councilmember Jeff Flowers
- Councilmember Brett Hicks
- Councilmember Lynn Palmer

**2. Invocation and Pledge.**

Patricia Moore offered the invocation, and all stood for the pledges.

**3. Visitors to be heard (shall not exceed 30 minutes total).**

There were no visitors to be heard.

**4. Staff Reports.**

**A. City Administrator - Update on the April 8, 2024, Eclipse Event at the City Park.**

City Administrator Stan Farmer updated the Council on the upcoming Eclipse plan and City Treasurer Allyson Wright showed Council the design of the Eclipse shirt. There was no action on this item.

**5. Consent Agenda.**

**A. Approval of annual contract with Texas Department of Public Safety for Municipal Court due to changes in the 88th Legislative Session. - Farmer**

**B. Approval of minutes from regular meeting on February 13, 2024.**

Motion made by Councilmember Palmer to approve the consent agenda, Seconded by Councilmember Battle.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**6. Discussion and possible action on the following items:**

**A. Approval of Resolution 2024-013 approving an application of the City of Bandera for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. - Farmer**

Motion made by Councilmember Battle to approve Resolution 2024-013, Seconded by Councilmember Hicks.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**B. Appoint persons to a temporary ad-hoc Events Committee to recommend changes in the City of Bandera Event Policies and Ordinances as applicable. - Flowers**

This item was postponed until the next meeting.

**C. Direction related to possible violations of the City of Bandera Code of Ordinances related to allowable uses including recreation vehicle connection for two properties located within the corporate limits of the City of Bandera at 1002 and 1006 Cypress Street. - Palmer**

Mayor Gibson recessed the meeting into closed session for consultation with Attorney at 6:36PM.

Mayor Gibson called the meeting back to order in open session at 7:03PM

There was no action taken on this item.

**D. A Hotel Occupancy Tax (HOT) application policy. - Breen**

There was some discussion on this item regarding the hot tax application process and updates they need to make. There was no action taken and it will come back with a policy.

**E. An amendment to the City of Bandera Code of Ordinances Chapter 13 Drought Contingency Plan, Section 13.09.069 Drought Response Stage Responses and Water Use Restrictions. - Battle**

Councilmember Battle updated the Council on the updates that need to be made to the Drought Contingency Plan there was some discussion on the updates.

Motion made by Councilmember Palmer to approve the amendments to the City of Bandera Code of Ordinances Chapter 13 Drought Contingency Plan, Section 13.09.069 Drought Response Stage Responses and Water Use Restrictions, Seconded by Councilmember Breen.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**7. Requests and Announcements.**

**A. Requests by Council to place items on an agenda.**

There were no requests by Council.

**B. Announcements by Council.**

Councilmember Palmer congratulated Lake Battle for placing at the San Antonio Stock Show and Rodeo and moving on to Ft. Worth for the 796.

Councilmember Breen announced that the Frontier Times Museum would be having activities the week of Spring Break.

**8. Adjourn.**

The meeting was adjourned at 7:06PM.

/s/ Jill Shelton

Jill Shelton, City Secretary



**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday, March 12, 2024**

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**AGENDA ITEM: 7A**

Review applications for EDC positions and make appointments.

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:** The EDC has two openings to replace Elaine Goode and Lindsay Barnett. We have received 3 applications for review and possible appointment.

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

None.



# CITY OF BANDERA

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## Application for Consideration of Appointment

The Public Information Act (PIA) may allow for public review of this application upon request.

New application  Re-appointment application

Board or Committee:  City Council vacancy  Planning & Zoning Commission  
 Economic Development Corporation  Other: \_\_\_\_\_

### Personal Information

Name: Longoria, Manny  
Last Name First Name Middle Initial

Address: 414 Pecan st. Bandera TX 78003

Phone number: 210-485-8238

Are you a qualified voter in the city?  Yes  No

Do you live inside the city limits?  Yes  No

### Employment

Employer: Self Employed - Manny Longoria Insurance

Occupation: Insurance Agent

Business address: 414 Pecan st

To the best of your knowledge, are you employed by, or a member of, any entity (business or non-profit) with proposals, programs, requests, business, applications, licenses or any other matters which may come before a board or commission for review, funding, support or approval during the next two years? Yes  No

If yes, please list the name of entity and interest: \_\_\_\_\_

**Board or Commission Interest**

- Live in the city
- Work in the city
- Own a business in the city
- Attend school within the city
- Other significant interest: \_\_\_\_\_

What do you hope to accomplish by serving?

Provide fair answers ~~for~~ for the Board + Commission I will serve on. Provide fair decisions that help to elevate Bandera.

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**Certification**

I am not employed by the City of Bandera or by a City Council Member.

If appointed, I will notify the City of Bandera of any changes in my residence or business, or of any other relevant changes that would affect my appointment. I will also notify the city if any potential conflicts of interest arise.

I recognize that my appointment requires my regular attendance and participation at all scheduled meeting. Failure to do so may result in my removal. I am willing to make this commitment of time and effort.

I hereby certify that all information in this application is complete, truthful, and accurate to the best of my knowledge.


2/9/2024

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Signature Date

Some boards/commissions/committees require members to reside within the city limits. Please return completed form to the City Secretary's office for processing: 511 Main Street Bandera, TX 78003. Your application will be kept on file for 12 months.

Note: When filed at City Hall, this will become public record that may be disclosed per the Texas Public Information Act.



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New application  Re-appointment application

Board or Committee:  City Council vacancy  Planning & Zoning Commission  
 Economic Development Corporation  Other: \_\_\_\_\_

### Personal Information

Name: PALMER LYNN S.  
Last Name First Name Middle Initial

Address: 1403 OAK Street - City of Bandera - P.O. Box 2015

Phone number: 830-928-5447

Are you a qualified voter in the city?  Yes  No

Do you live inside the city limits?  Yes  No

### Employment

Employer: Self Employed - Retired - Custom Glass & Mirror

Occupation: Accountant, OFFICE Manager - Receptionist

Business address: ~~XXXXXXXXXX~~ 3110 Junction Hwy - Ingram, TX

To the best of your knowledge, are you employed by, or a member of, any entity (business or non-profit) with proposals, programs, requests, business, applications, licenses or any other matters which may come before a board or commission for review, funding, support or approval during the next two years? Yes  No

If yes, please list the name of entity and interest: \_\_\_\_\_



**Board or Commission Interest**

- Live in the city
- Work in the city
- Own a business in the city
- Attend school within the city
- Other significant interest: \_\_\_\_\_

What do you hope to accomplish by serving?

Provide Strong support for strategic economic planning, according to the City's Comprehensive Plan

**Certification**

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I recognize that my appointment requires my regular attendance and participation at all scheduled meeting. Failure to do so may result in my removal. I am willing to make this commitment of time and effort.

I hereby certify that all information in this application is complete, truthful, and accurate to the best of my knowledge.

*Lynn S. Palmer*  
 \_\_\_\_\_  
 Signature

\_\_\_\_\_ 2/20/2024  
 Date

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## Application for Consideration of Appointment

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New application  Re-appointment application

Board or Committee:  City Council vacancy  Planning & Zoning Commission  
 Economic Development Corporation  Other: \_\_\_\_\_

### Personal Information

Name: Pennell Lanette F  
Last Name First Name Middle Initial

Address: 1143 Lacey Dr., Bandera, TX 78003

Phone number: 210 - 844 - 8549

Are you a qualified voter in the city?  Yes  No

Do you live inside the city limits?  Yes  No

### Employment

Employer: Self

Occupation: Realtor + Guest House Host/Owner

Business address: 1143 Lacey Dr, Bandera, TX 78003

To the best of your knowledge, are you employed by, or a member of, any entity (business or non-profit) with proposals, programs, requests, business, applications, licenses or any other matters which may come before a board or commission for review, funding, support or approval during the next two years? Yes  No

If yes, please list the name of entity and interest: \_\_\_\_\_

**Board or Commission Interest**

Live in the city       Work in the city       Own a business in the city

Attend school within the city       Other significant interest: Own 2 businesses in the County.

What do you hope to accomplish by serving?

I have lived & worked in Bandera County since 1998. My volunteer experience is extensive here and I am familiar with all areas of the county, issues affecting business, and tourism. I LOVE Bandera & was voted Citizen of the Year in 2004. Continued on next page...

**Certification**

I am not employed by the City of Bandera or by a City Council Member.

If appointed, I will notify the City of Bandera of any changes in my residence or business, or of any other relevant changes that would affect my appointment. I will also notify the city if any potential conflicts of interest arise.

I recognize that my appointment requires my regular attendance and participation at all scheduled meeting. Failure to do so may result in my removal. I am willing to make this commitment of time and effort.

I hereby certify that all information in this application is complete, truthful, and accurate to the best of my knowledge.

Janette Pennell      1/31/24  
Signature      Date

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Nothing would be better than to help improve the quality of life in our great county.

Past positions & accomplishments:

Co-chair Celebrate Bandera - 10 yrs.  
& Celebrate Bandera Committee

Chair - Bandera Music Hall of Fame - 5 yrs.

Event Chair - Bandera Community Foundation 3 yrs.

Western Trail Gala - CoChair

Goodwill Ambassadors of Bandera (Chamber Award) 2004

Bandera Co. Chamber Board - 2 yrs

Almost Patsy Cline Band Leader - 23 yrs.

B+B Host since 2011.

Realtor w/ Keller Williams (5 yrs) who plans to open an office in the City of Bandera.

Realtor w/ Coldwell Banker in Bandera

for 3 yrs.

4.1% + 100% + more! Thank



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## Application for Consideration of Appointment

The Public Information Act (PIA) may allow for public review of this application upon request.

New application

Re-appointment application

Board or Committee:  City Council vacancy

Planning & Zoning Commission

Economic Development Corporation

Other: \_\_\_\_\_

### Personal Information

Name: Breen Debbie L  
Last Name First Name Middle Initial

Address: PO Box 1978, Bandera, TX 78003 (1314 Cherry St, Bandera)

Phone number: 830-751-3600

Are you a qualified voter in the city?  Yes  No

Do you live inside the city limits?  Yes  No

### Employment

Employer: Self Employed

Occupation: Franchise Owner of The Flying Locksmiths San Antonio, Realtor

Business address: 6923 W Loop 1604 N, San Antonio, TX 78254

To the best of your knowledge, are you employed by, or a member of, any entity (business or non-profit) with proposals, programs, requests, business, applications, licenses or any other matters which may come before a board or commission for review, funding, support or approval during the next two years? Yes  No

If yes, please list the name of entity and interest: \_\_\_\_\_

**Board or Commission Interest**

- Live in the city
- Work in the city
- Own a business in the city
- Attend school within the city
- Other significant interest: City Council Member

What do you hope to accomplish by serving?

To facilitate the goals of the City Council and the EDC, creating a comprehensive and executable plan that will benefit the City of Bandera and create a strong working relationship between both organizations.

**Certification**

I am not employed by the City of Bandera or by a City Council Member.

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I recognize that my appointment requires my regular attendance and participation at all scheduled meeting. Failure to do so may result in my removal. I am willing to make this commitment of time and effort.

I hereby certify that all information in this application is complete, truthful, and accurate to the best of my knowledge.

*Antoni Bran*  
Signature

3/8/24  
Date

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**CITY OF BANDERA COUNCIL AGENDA**  
**Regular Meeting: Tuesday, March 12, 2024**

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**AGENDA ITEM: 7 B**

Adopt a Hotel Occupancy Tax (HOT) policy. – Breen

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

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**FISCAL ANALYSIS:**

None

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**RECOMMENDATION:**

Please see attached policy.



DRAFT

City of Bandera  
Hotel Occupancy Tax Grant Policy



**PURPOSE:**

Once annually during the last quarter of the fiscal year (July – August) the City will advertise through multiple media sources soliciting applications (Request for Proposals) for granting Hotel Occupancy Tax (HOT) money. There will be a minimum 30-day window for accepting applications.

**CRITERIA:**

Annually the Council will review the applications and award grant money based on the following criteria, subject to available funds available in the current annual HOT fund budget:

- 1) Applications must be filled out completely to include disclosing other HOT funding received by other entities and current application(s) for any HOT funding from other entities.**
- 2) All grants are awarded on a reimbursement basis with proper documentation.**
- 3) No more than 50% of the annual HOT budget will be awarded in grants. This may be spread across multiple applicants. However, one applicant may not receive more than 25% of the annual budget for HOT funds.**
- 4) Grant awards are always based on the monies available at the time of the award in September.**



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: March 12, 2024**

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**AGENDA ITEM: 7 C**

Discussion and possible action on the appointment of persons to a temporary ad-hoc Events Committee to recommend changes in the City of Bandera Event Policies and Ordinances as applicable.

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

Pursuant to the direction of the City Attorney, no resolution is necessary for this agenda item. Mr. Santee instructs City Council to directly appoint members to the ad-hoc committee, including the appointment of the committee’s chairman.

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**FISCAL ANALYSIS:**

None.

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**RECOMMENDATION:**

No recommendation.



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: Tuesday, March 12, 2024**

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**AGENDA ITEM: 7 D**

Amend Section 8.04 Noise of the Code of Ordinances.

**SUBMITTED BY:** Jill Shelton

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

The Council’s Noise Ordinance Committee is ready to recommend an amendment change to Section 8.04 Noise of the Code of Ordinances.

This new ordinance appears to balance the needs of the citizens and the business bar owners.

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**FISCAL ANALYSIS:**

None.

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**RECOMMENDATION:**

No recommendation.

## ARTICLE 8.04 NOISE

### Sec. 8.04.001. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime/evening hours mean from 8:00 a.m. to 9:30 p.m. in both residential and nonresidential areas.

dB(A) means the intensity of a sound expressed in decibels.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work means any work performed for the purpose of:

- A. Preventing or alleviating physical trauma or property damage threatened or caused by an emergency;
- B. Restoring property to a safe condition following a fire, accident, or natural disaster;
- C. Protecting persons or property from exposure to danger; or
- D. Restoring public utilities.

Nighttime hours mean the hours between 9:30 p.m. and 8:00 a.m. in both residential and nonresidential areas.

Nonresidential property/areas mean any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been zoned other than as residential property, including properties that are devoted to public purposes, such as public parks.

Normal business hours mean 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday.

Outdoor/open venues means events attended by the public, including but not limited to musical concerts, performances, and dances, that are held in or at sites that are not permanent structures or for which all sound equipment and monitors are not enclosed within a permanent structure.

Permanent structure means structures that have at least two separate solid walls that are intended to be permanently in place and are constructed from solid building material other than single-layer plywood, plastic, chicken wire, tenting, tarps, stays, tin or similar material that would not be regarded by a normal person as building material for a permanent structure.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing

facilities. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the name of the song, the specific words or the artist performing it.

The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Property line means with respect to single-occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by another person. With respect to shared occupancy properties, the term shall mean the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

Quiet hours mean the hours between 9:30 p.m. and 8:00 a.m. in both residential and nonresidential areas. In addition, it is a violation for a person to conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that measures at or above 55 dB(A).

Residential property/areas mean any real property zoned residential under the city's zoning ordinances and regulations.

Streets shall be defined as being in the same category as the surrounding zoning. In the case of residential properties/areas which are across the street from nonresidential properties/areas, the street shall be considered to be in a residential area.

(Ordinance XXX)

#### **Sec. 8.04.002. Penalty.**

Any person who violates any portion of this article is guilty of a misdemeanor and shall upon conviction be subject to a fine of not less than thirty-five dollars (\$35.00) and not more than two thousand dollars (\$2,000.00). For the second or subsequent conviction within a twelve-month period, said person shall be fined not less than seventy-five dollars (\$75.00) and not more than two thousand dollars (\$2,000.00).

(Ordinance XXX)

#### **Sec. 8.04.003. Defenses.**

The following defenses shall apply to any offense established in this article, and the same must be specifically pled by anyone charged with a violation:

A. The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime, or was produced pursuant to any safety rule or regulation of any governmental entity or agency. Example includes the sound was produced by an authorized emergency vehicle.

B. The sound was generated:

1. At a lawfully scheduled event;
2. By a parade and spectators and participants on the parade route during a lawful parade;
3. By spectators and participants at a lawfully scheduled event;
4. By patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit was obtained, and the explosives were inspected by the fire marshal;
5. By a pyrotechnic display that was inspected and approved by the fire marshal;
6. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the city and in full compliance with a permit issued by the city.
7. The sound was produced by emergency work.
8. The sound was produced during normal business hours by the erection, excavation, construction, or demolition (See Section 8.04.006) of a building or structure, including the use of any necessary tools or equipment, which activity did not produce a sound exceeding 75 dB(A) when measured from the property line of the property where the sound is being received.
9. The sound was produced by operating or permitting the operation of any mechanically powered tool such as a saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 8:00 a.m. and 8:00 p.m., when the sound is being produced for the maintenance or upkeep of the property on which it was operated, which activity did not produce a sound exceeding 75 dB(A) when measured from the property line of the property where the sound is being received.
10. The sound was generated as authorized under the terms of a permit issued under section 8.04.010 of this article.
11. The sound was produced by church bells or church chimes when used as part of a religious observance or service during daytime hours for the zone in which the church is located.
12. The sound was produced during daytime/evening hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletics, band and/or school entertainment practice or events.
13. With the knowledge that outdoor/open venues of music amplified within the city create special conditions and therefore should have special regulations, it shall be *lawful* for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of music at any open venue during the following hours, which

activity did not produce a sound exceeding 75 dB(A) when measured from the property line of the property where the sound is being received.

- Friday 5:00 p.m. to 11:30 p.m.
- Saturday 12:00 noon to 11:30 p.m.
- Sunday 12:00 noon to 5:00 p.m.

(Ordinance XXX)

**Sec. 8.04.004. Maximum permissible sound levels.**

A. In addition to the violations established by this article, it shall be a violation for a person to conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that measures at or above 65 dB(A) in residential areas and nonresidential areas. Any sound that exceeds this dB(A) level set forth in this section under the conditions and measurement criteria set forth in this article is a violation of this article. Evidence that an activity or source produces a sound that exceeds the dB(A) level specified in this section shall be prima facie evidence that such sound unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

B. Nighttime hours are considered quiet hours and have a more stringent threshold for maximum permissible sound levels. In addition to the violations established by this article, it shall be a violation for a person to conduct, permit, or allow any activity or sound source to produce a sound discernible beyond the property on which the sound is being generated that measures at or above 55 dB(A) in residential areas and nonresidential areas. Any sound that exceeds this dB(A) level set forth in this section under the conditions and measurement criteria set forth in this article is a violation of this article. Evidence that an activity or source produces a sound that exceeds the dB(A) level specified in this section shall be prima facie evidence that such sound unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this article.

(Ordinance XXX)

**Sec. 8.04.005. Method of sound measurement.**

Whenever portions of this article prohibit sound above a certain decibel limit, measurement of the sound shall be made with a type 1 or type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements of sound generated shall be taken from the curb line of the nearest public street to the property where the sound is generated and taken toward the source of the sound. In the event that there is not at least fifty feet

(50') of distance from the building in which sound is being generated and from which sound is being measured, then measurements shall be taken from the street curb line opposite said building of the nearest public street to the property where the sound is generated.

(Ordinance XXX)

**Sec. 8.04.006. Pouring of a slab or demolishing a building.**

It shall be unlawful for any person to pour a slab or demolish a building before 8:00 a.m. or after 8:00 p.m. on any day without having notified all persons who would be entitled to notice of a zoning change under the city's zoning ordinance, as may be amended from time to time, in relationship to the property upon which the pouring or demolition is to take place at least ten (10) days prior to such activity. Such notice shall be sent in the same manner as set out in the zoning ordinance. No building permit shall be issued in the absence of such notice. Slabs may be poured prior to 8:00 a.m. with the written approval of the City Administrator from May through September.

(Ordinance XXX)

**Sec. 8.04.007. Noisy vehicles.**

A. The use of any motor vehicle that creates any loud, unreasonable, or unusual noise or violates state regulations for equipment or emissions, including grating, grinding, rattling, or any other loud and unreasonable sound, is hereby prohibited and declared to be unlawful. This section applies to any vehicle that exhibits *sounds of acceleration* in any manner to include while stationary. Sec. 8.04.004 (Maximum permissible sound levels) applies regarding residential and non-residential areas.

B. No person shall operate an engine of any motor vehicle as defined by the Texas Transportation Code to brake or slow the same through the use of gears (commonly known as "jake braking") or by any other method which produces any noise in addition to the normal operating engine noise.

(Ordinance XXX)

**Sec. 8.04.008. Amplified sound.**

A. It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for persons who are in the vehicle or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto. The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet or more from a vehicle shall be presumed to be in violation of this section. The operation of any such sound amplifier in such a manner that bass sounds are plainly audible at a distance of 50 feet or more from the property line of a property or premises in which the amplification is located shall be presumed to be in violation of this section.



- B. It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that:
  - 1. The motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function; and
  - 2. The use is in compliance with all other provisions in this article.
- C. It shall be unlawful to operate or to permit or to cause the operation of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at least fifty (50) feet from the source if on public property or in a public right-of-way. For the purpose of this provision, “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.

(Ordinance XXX)

**Sec. 8.04.009. Noisy animals.**

- A. The keeping of any animal that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons is hereby prohibited and declared to be unlawful and in violation of this article, regardless of when the sound is made, whether for an event or function, or whether the use is in compliance with all other provisions of this article.
- B. In any prosecution for a violation of this section, it shall not be a defense that a loud animal noise which disturbed another person occurred in a residential area either during nighttime hours or when none of the residents of the place where the animal or bird is being kept were at home.
- C. In any prosecution for a violation of this section, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations and/or the receipt of two or more complaints from more than one household within a two-month period, shall create a rebuttable presumption that such noise was in violation of this article.

(Ordinance XXX)

**Sec. 8.04.010. Special events.**

- A. It shall be an exception to this article that the maximum permissible sound levels contained herein may be exceeded at certain special events of limited duration for which the sponsor of the event has obtained a permit from the city.
- B. For the purposes of this section, “sponsor” shall mean the person who is legally responsible for the special event, whether a person, corporation, partnership, association, or other entity.

- C. For the purposes of this section, “special event” shall mean a musical concert, live show, symphony, band performance, drama, film, or any other specific activity or program, other than an event described in section 8.04.003, that will or may produce repeated, frequent, or constant sounds or noise in excess of the maximum permissible sound levels stated in section 8.04.004.
- D. Before applying for a special event permit, the sponsor must present satisfactory proof of status as the sponsor of the special event.
- E. No less than sixty (60) days prior to the date of the special event, the sponsor shall apply for a special event permit by providing the following to the city administrator or his or her designee:
1. Date, time, and duration of the special event;
  2. Nature or description of the special event;
  3. Location(s) of the special event;
  4. Estimated maximum decibel level and duration and time of sound or noise that will or may exceed the maximum permissible sound levels stated in section 8.04.004;
  5. Contact information of the sponsor prior to, during, and after the special event;
  6. Any other information requested by the city in connection with the special event that is relevant to the sound and noise expected to be produced at the special event; and
  7. A nonrefundable special event permit application fee.
- F. Once a special event permit is applied for, the city administrator or designee shall notify the city council. At which point, the city administrator or mayor may approve the application and issue the special event permit only if it is determined that the following conditions are or will be met:
1. The sound or noise produced at the special event that exceeds the maximum permissible sound levels stated in section 8.04.004 shall have a duration of no more than two hours in one day;
  2. The sound or noise that exceeds the maximum permissible sound levels stated in section 8.04.004 shall not occur later than midnight on the date(s) of the special event;
  3. Issuance of the permit, including any special conditions contained therein, will not be detrimental to the health, safety, or welfare of the citizens of the city;
  4. The sound or noise produced at the special event shall not exceed 85 decibels.

- G. No less than 14 days prior to the special event for which a permit has been issued, and once a week for at least two weeks and a total of at least two publications, the person who received the permit shall have notice published in the official newspaper of the city informing the public of the following:
1. That the city has issued a permit allowing the noise level at the special event to exceed the level contained in the city's noise ordinance;
  2. The time, date, location, duration, and estimated maximum noise level of the special event;
  3. The times during which the noise level will exceed the level contained in the city's noise ordinance;
  4. The time when the noise level contained in the city's noise ordinance will cease to be exceeded;
  5. Contact information for the person who received the permit, including a phone number that will be answered during the special event; and
  6. Any other special conditions or information required by the city as a condition of the permit.
- H. A special event permit issued hereunder shall expire upon the earlier of:
1. The 13th day prior to the special event if the notice required by subsection (g) above was not published for the first time on or before the preceding day;
  2. The day before the special event if the second notice required by subsection (g) above was not published by that day;
  3. After two hours duration, continuous or interrupted, of noise or sound at the special event in excess of the maximum permissible sound levels stated in section 8.04.004;
  4. Midnight on the last day of the special event; or
  5. Revocation of the permit by the city due to violation of its terms or any special conditions contained in the permit.

(Ordinance XXX)