



**ORDINANCE O-06142022-2**

**AMENDING CONTROL OF NOISE ORDINANCE**

**AN ORDINANCE OF THE CITY OF LEONARD, FANNIN COUNTY, TEXAS, REGARDING NOISE VIOLATIONS IN THE CITY LIMITS; AMENDING PREVIOUS ORDINANCE NO. 08132019-1; AMENDING DEFINITIONS; ESTABLISHING CONSTRUCTION ZONE; ESTABLISHING APPROVED WORKING HOURS; ALLOWING FOR SPECIAL AFTER-HOURS CONSTRUCTION OR HEAVY EQUIPMENT PERMITS WITH NEIGHBOR APPROVAL; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Leonard, at a duly called meeting on August 13, 2019, adopted Ordinance 08132019-2 regarding the control of loud or raucous noise in the City of Leonard; and

**WHEREAS**, the City Council believes it is in the best interest of the city to further define some of the terms and timelines contained therein;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS THAT, THE CONTROL OF NOISE ORDINANCE IS AMENDED AS FOLLOWS:**

**SECTION 1.**  
***Definitions***

- A) "Construction Activity" refers to activity that causes loud noise, which shall include but not be limited to:
- a. Hammering (including nail guns);
  - b. Sawing (including any loud devices);
  - c. Operation of backhoes, loaders, tractors or compressors; or
  - d. Any other activity that would disturb the peace and tranquility of the community.

**SECTION 2.**  
***Section 8.03.004 shall be amended to read:***

- A) Establishing construction zone.
- Except as provided in section 8.03.006, it shall be unlawful for any person or business to perform, cause to be performed, or allow to be performed any construction activity, or to operate, cause to be operated, or allow to be operated, equipment or heavy equipment within seven hundred fifty feet (750') of an

inhabited residential structure, as measured from property boundaries, outside of approved working hours.

### SECTION 3.

**Section 8.03.005 shall be titled "Establishing approved working hours" and amended to read:**

A) Except as provided in section 8.03.006, it shall be unlawful for any person or business to perform, cause to be performed, or allow to be performed any construction activity, or to operate, cause to be operated, or allow to be operated, equipment or heavy equipment outside of the following approved times:

- 1) Monday–Friday: Six A.M. (6:00 A.M.) to eight P.M. (8:00 P.M.)
- 2) Saturday: Eight A.M. (8:00 A.M.) to five P.M. (5:00 P.M.)
- 3) Sunday: One P.M. (1:00 P.M.) to five P.M. (5:00 P.M.)

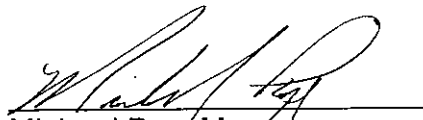
### SECTION 4.

**Section 8.03.006 shall be titled "Allowing for special after-hours construction or heavy equipment permits with neighbor approval" and amended to read:**

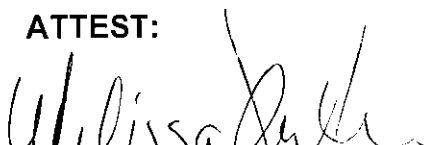
A) Any person or business may apply for a special permit to perform, cause to be performed, or allow to be performed any construction activity, or to operate, cause to be operated, or allow to be operated, commercial or heavy equipment that causes loud noise within seven hundred fifty feet (750') of an inhabited residential structure outside of approved hours of construction. Permits will apply per incident, and each incident will require separate permit and approval. Said permit shall be issued when the following conditions have been met by the person or business:

- a. Written permission of at least 80% of residents/ occupants of properties within seven hundred fifty feet (750') from property boundaries of the site where the work is being performed;
- b. File with the city a completed application for special after-hours construction permit; and
- c. Pay to the city an application fee of one hundred dollars (\$100).

**PASSED AND APPROVED** this, the 14<sup>th</sup> day of June, 2022 by the City Council of the City of Leonard, Fannin County, Texas.

  
Michael Pye, Mayor

**ATTEST:**

  
Melissa Verde, City Secretary