

ORDINANCE NO. 441

AN ORDINANCE OF THE CITY OF BANDERA, TEXAS; REPEALING AND REPLACING ARTICLE 8.04 NOISE, OF THE BANDERA CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Bandera has determined that a need exists to establish noise and sound regulations; and

WHEREAS, the use of amplified sound devices in public places creates a public nuisance, interfering with the quiet enjoyment of parks, waterways and public spaces; and

WHEREAS, the City of Bandera wishes to protect its citizens from loud and excessive sounds and noises that disturb the peace and quiet of their neighborhoods; and

WHEREAS, the Council has determined that the regulations provided for herein are in the best interest of the health, safety and welfare of the City.

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

Section 1. Purpose. This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the City of Bandera through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

Section 2. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. Adoption. The City Council of the City of Bandera, Texas hereby repeals and replaces Article 8.04 Noise as provided for in Exhibit A, attached hereto and incorporated by reference for all purposes.

Section 3. Savings Clause. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Bandera under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

Section 4. Cumulative. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

Section 6. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Section 7. Effective Date. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this 14th day of May, 2024.

CITY OF BANDERA, TEXAS

By: _____
Rebeca Gibson, Mayor

ATTEST:

Jill Shelton, City Secretary