

**TOWN OF BARTONVILLE
ORDINANCE NO. 789-25**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 8, "OFFENSES AND NUISANCES," ARTICLE 5, "NOISE," SECTION 8.05.004, "ENVIRONMENTAL SOUND LEVELS," SUBSECTION 08.05.004 (C), "SOUND LEVEL LIMITS," AND SECTION 8.05.006, "NOISE PROHIBITED, SUBSECTION (4), "CONSTRUCTION WORK" AND SUBSECTION (5), "POWER EQUIPMENT" BY DEFINING ALLOWED AND PROHIBITED HOURS OF OPERATION; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION UPON CONVICTION OF A FINE IN AN AMOUNT NOT TO EXCEED \$500.00 FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL OCCUR FOR EACH VIOLATION AND FOR EACH DAY UPON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas ("Town"), is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of its citizens to amend Chapter 8, "Offenses and Nuisances", of the Code of Ordinances to define allowed and prohibited hours of operation for Construction Work and Power Equipment and for the good government of the Town, to amend the Town Code as specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
SECTION 8.05.004 AMENDMENT**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 8, "Offenses and Nuisances", Article 8.05, "Noise," Section 8.5.004, "Environmental Sound Levels," Subsection (c), "Sound Level Limits" is hereby amended, which shall read as follows:

"Chapter 8 OFFENSES AND NUISANCES

ARTICLE 5 NOISE

* * *

SECTION 8.05.004 ENVIRONMENTAL SOUND LEVELS

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SUBSECTION 8.05.004(C) SOUND LEVEL LIMITS

(c) Sound level limits (Other than Construction and Power Equipment): Please refer to Sections 8.05.006 (4) and (5) for allowed/prohibited hours.

(1) Limiting sound levels, 7:00 a.m. to 10:00 p.m.

Category	L90	L10
Residential	55 dBA	65 dBA
Commercial	62 dBA	72 dBA
Industrial	75 dBA	85 dBA

(2) Limiting sound levels, 10:00 p.m. to 7:00 a.m.

Residential	50 dBA	60 dBA
Commercial	57 dBA	67 dBA
Industrial	75 dBA	85 dBA

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**SECTION 3.
SECTION 8.05.006 AMENDMENT**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 8, "Offenses and Nuisances", Article 8.05, "Noise," Section 8.5.006, "Noises Prohibited," Subsection (4), "Construction Work," and Subsection (5), "Power Equipment" are hereby amended, which shall read as follows:

“Chapter 8 OFFENSES AND NUISANCES**ARTICLE 5 NOISE***** * *****SECTION 8.05.006 NOISES PROHIBITED***** * *****SUBSECTION 8.05.006***** * ***

- (4) Construction work. Operating or permitting to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto:
- **Allowed Hours:** Monday through Friday from 7:00 a.m. to 7:00 p.m., and on Saturdays from 9:00 a.m. to 3:00 p.m.
 - **Prohibited:** All day on Sundays.
 - In no event may such construction work exceed the sound level limits for an industrial land use as set forth in this article, measured on the property boundary of the receiving land use, unless a permit of variance is first obtained.
 - Sound Levels: Construction activity may not exceed industrial land use sound level limits as set forth in §8.05.004, measured at the property boundary of the receiving land use, unless a variance is obtained.
- (5) Power equipment. Operating or permitting to be operated any power equipment in residential zones outdoors between the hours of 7:00 p.m. and 7:00 a.m. the following day, or in such a manner as to violate the sound levels as listed in this article or to unreasonably disturb or interfere with the peace, comfort and repose of neighboring persons of ordinary sensibilities, unless a permit of variance is first obtained. Power equipment rated five horsepower or less shall not exceed a sound level of 74 dBA at a distance of 50 feet. Power equipment rated more than five horsepower shall not exceed a sound level of 82 dBA at a distance of 50 feet.

*** * * ”****SECTION 4.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5. SAVINGS

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. PENALTY

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$500.00. Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Chapter shall not preclude the City from filing suit to enjoin the violation and all remedies shall be cumulative.

SECTION 7. ENGROSS AND ENROLL

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8. PUBLICATION

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 9.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on this the 16th day of September 2025.

APPROVED:

Jaclyn Carrington,
Mayor

ATTEST:

Shannon Montgomery, TRMC
Town Secretary