



Amendments to Chapters 26 and 34 of the Code of Ordinances

CITY COUNCIL: SEPTEMBER 2, 2025

Purpose

Proposed amendments to Chapter 26, *Courts* and Chapter 34, *Environment*, serve the purpose of:

- Modifying pertinent definitions
- Expanding enforcement authority to explicitly include police and code officers
- Authorizing the Municipal Court to have civil jurisdiction over nuisance violations under Texas Gov. Code Sec. 30.00005
- Provide exception language to City's prohibition authority, permitting /fee requirements to comply with SB 1006

Summary of Changes

■ Current Text

- Purpose section: limits noise to human and manmade activities.
- Maximum sound levels: “.... activities that create a sound pressure level on the complainant's bounding real property line that exceed the maximum allowable sound level (dBA) are presumed to be public nuisances.
- Enforcement: City Manager or designee is authorized to enforced the provisions of the code section. Municipal Court can enforce via written complaint filed by citizen.
- Penalties: (4) “Any individual violation of this section may constitute a nuisance based upon the specific circumstances. The prosecution of an offense under this article does not limit the city's right to abate the nuisance, including the use of injunctive or other civil relief.”

■ Proposed Text changes

- Purpose section: removes the human and manmade activities limitation.
- Maximum sound levels: presumption of public nuisance language is replaced with “are prima facie evidence sufficient to establish a public nuisance.”
- Enforcement: revised to include a city code officer or police officer. A citizen can now provide sworn statement and documentation to officer for municipal court prosecution.
- Penalties: Revised (4) “A violation of this article is a nuisance. The prosecution of an offense under this article does not limit the city’s right to abate the nuisance, including the use of injunctive or other civil relief.”
- Inserted new exception text pertaining to passage of SB 1006 (detailed on next slide).

Exceptions

New language in the ordinance references necessary changes due to SB 1008 which limits the city's prohibition authority, permitting and fee requirements.

Exceptions. Notwithstanding anything in this section to the contrary, the following sound-related activities are not a violation of this section:

(1) A food service establishment, as defined in Texas Health and Safety Code § 437.001, as may be amended from time to time, that accepts delivery of supplies or other items, provided that if the delivery occurs between 10 p.m. and 5 a.m., then:

(a) the delivery lasts for one hour or less;

(b) the delivery is only for food, nonalcoholic beverages, food service supplies, or ice; and

(c) the delivery sound level when measured from the residential property closest in proximity to the establishment does not exceed 65 dBA, excluding traffic and other background noise that can be reasonably excluded.

(2) A restaurant, as defined by Alcoholic Beverage Code § 1.04, as may be amended from time to time, that limits the use of amplified sound for playing music or amplifying human speech within the establishment's indoor or outside property boundaries to ensure:

(a) the amplified sound is not used after 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday; and

(b) the amplified sound level does not exceed 70 dBA or 75 dBC when measured at the establishment's property perimeter, excluding traffic and other background noise that can be reasonably excluded.

(3) Subsection (i)(2), above, does not apply to a food service establishment on property that is located within 300 feet of a residence that was occupied before any food service establishment was located on the property."

Recommendation

Staff recommends the Council approve the proposed amendments to Chapter 26, *Courts* and Chapter 34, *Environment*, of the Code of Ordinances.





Questions / Comments

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