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ORDINANCE NO. 2024-01-17-12

**AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS,
AMENDING PART I, CHAPTER 18, ARTICLE III, TO ADD
SECTION 18-56 PROVIDING FOR THE REGULATION OF
OUTDOOR PICKLEBALL PLAY IN RESIDENTIAL AREAS.**

WHEREAS, Chapter 217 of the Texas Local Government Code authorizes the City of Rollingwood (“City”) to define and declare what constitutes a nuisance, to authorize and direct the summary abatement of a nuisance in any manner the City considers expedient and to punish by fine any person responsible for a nuisance; and

WHEREAS, the City Council finds and determines that pickleball constitutes a significant change in the acoustic environment of the area surrounding a pickleball court and that the impulsive sound produced by the impact of a hard plastic pickleball on the paddle can cause significant noise impact for those living near the courts; and

WHEREAS, City Council finds and determines that persistent impulsive sounds create annoyance as they are like general sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech to which indicate a possible necessary response; and

WHEREAS, City Council finds and determines that the continuous false alarms created by the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction; and

WHEREAS, the City Council finds and determines that the noise created by pickleball play creates a nuisance which necessitates the following regulations which are in the best interest of the general welfare of the City of Rollingwood by furthering the public health.

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

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Code Amendments.

The Rollingwood Code of Ordinances is amended to add Section 18-56 as follows:

Section 18.56 Outdoor Pickleball Play

(a) Definitions:

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(1) "Continuous Play" means play more than [redacted] minutes/hours without a cessation of play of at least [redacted] minutes/hours.

(2) "Pickleball" means an outdoor game that is played on a level court with short- handled paddles and a perforated plastic ball volleyed over a low net by two single players or two pairs of players.

(3) "Play" means the active engagement of on-court pickleball games or practice, specifically the hitting of a pickleball with a paddle.

(b) Hours of Play.

(1) No Play shall occur between the hours of [redacted] pm and [redacted] am.

(2) No Continuous Play shall occur.

(c) Noise. In addition to the prohibition on Noise as otherwise provided for in this Chapter any noise level exceeding [redacted] decibels, as measured by a decibel reader at the property line of the lot on which the pickleball court is located, or any location within 250 feet of such court, is prohibited. Averaging techniques such as equivalent-continuous and maximum fast exponential time weighted sound pressure levels (LAeq and LMax) are not permitted for the noise measurement. Measurement procedures based on the adjusted sound exposure level according to ANSI S12.9 (Quantities And Procedures For Description And Measurement Of Environmental Sound), Part 4 (Noise Assessment and Prediction of Long-Term Community Response) shall be used to measure noise levels.

SECTION 4. Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City and shall not operate to repeal or affect any other ordinances of the City except insofar as any less restrictive regulations might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

SECTION 5. Severability Clause. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity 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 City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

93 **SECTION 6.** Penalty. The Code’s general penalties and specific penalty for nuisances
94 shall be applicable to any violation of this Ordinance.
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96 **SECTION 7.** Effective Date. That this Ordinance will become effective on its adoption
97 and passage by the City Council.
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99 PASSED AND APPROVED this _____ day of _____, 2024.
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103 CITY OF ROLLINGWOOD,
104 TEXAS
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107 by:
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109 _____
110 GAVIN MASSINGILL, Mayor
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114 ATTEST:
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117 _____
118 DESIREE ADAIR, City Secretary
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122 APPROVED AS TO FORM:
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126 _____
127 CHARLES E. ZECH, City Attorney
128 DENTON NAVARRO ROCHA BERNAL & '
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