## **ORDINANCE NO. 2024-07-17-18**

1	
2	
3	

## AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING PART I, CHAPTER 18, ARTICLE III, SECTION 18-56 OUTDOOR PICKLEBALL PLAY

**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 previously found and determined 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**, the City Council previously found and determined 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**, the City Council previously found and determined 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;

**WHEREAS**, the City Council previously found and determined 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; and

**WHEREAS,** the City Council desires to amend the stated decibel limit for pickleball play and disallow more than one pickleball game to be played at a time on a single lot.

## 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:

## 47 Section 18.56 Outdoor Pickleball Play 48 49 (a) Definitions: 50 51 "Pickleball" means an outdoor game that is played on a level (1)52 court with short- handled paddles and a perforated plastic ball volleyed over 53 a low net by two single players or two pairs of players. 54 55 (2) "Play" means the active engagement of on-court pickleball 56 games or practice, specifically the hitting of a pickleball with a paddle. 57 58 59 (b) Hours of Play. 60 No Play shall occur between the hours of 8:00 pm and 8:30 61 (1) 62 am. 63 No Play shall occur for more than two (2) hours per day on 64 65 lots smaller than three (3) acres. 66 Noise. In addition to the prohibition on Noise as otherwise provided 67 for in this Chapter any noise level exceeding 47 fifty-one (51) decibels, as 68 69 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 70 71 prohibited. Averaging techniques such as equivalent-continuous and 72 maximum fast exponential time weighted sound pressure levels (LAeq and 73 LAmax) are not permitted for the noise measurement. 74 procedures based on the adjusted sound exposure level according to ANSI 75 S12.9 (Quantities And Procedures For Description And Measurement Of Environmental Sound), Part 4 (Noise Assessment and Prediction of Long-76 77 Term Community Response) shall be used to measure noise levels. 78 79 No more than one pickleball game may be played at the same time 80 with no more than one pickleball in play at any time. 81 82 83 **SECTION 4**. Cumulative and Repealer Clause. This ordinance shall be cumulative of all 84 other ordinances of the City and shall not operate to repeal or affect any other ordinances 85 of the City except insofar as any less restrictive regulations might be inconsistent or in 86 conflict with the provisions of this Ordinance, in which event such conflicting provisions, 87 if any, are hereby repealed to the extent of such conflict. 88 89 **SECTION 5**. Severability Clause. The sections, paragraphs, sentences, clauses, and 90 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,

91

92

93 94	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		
95	unconstitutional or invalid phrase, clause, sentence, paragraph or section.		
96	-		
97	SECTION 6. Penalty. The Code's general penalties and specific penalty for nuisances		
98	shall be applicable to any violation of this Ordinance.		
99			
100	<b>SECTION 7</b> . Effective Date. That this Ordina	nce will become effective on its adoption	
101	and passage by the City Council.		
102			
103	PASSED AND APPROVED this	day of, 2024.	
104			
105			
106		CITY OF DOLL INCINOOD	
107		CITY OF ROLLINGWOOD, TEXAS	
108 109		IEAAS	
1109			
111		by:	
112		oy.	
113		Gavin Massingill, Mayor	
114		<i>y</i> ., <i>y</i>	
115			
116			
117			
118	ATTEST:		
119			
120			
121			
122	Ashley Wayman, City Administrator		