

ORDINANCE NO. 2024-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 42 (ENVIRONMENT), ARTICLE II (NOISE), SECTION 42-22(5) (PROHIBITED ACTS; ENUMERATION), TO INCLUDE FEDERAL HOLIDAYS IN WHICH CONSTRUCTION IS GENERALLY PROHIBITED; PROVIDING FOR REPEALING, A PENALTY CLAUSE, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) has investigated and determined that it is in the best interest of the City of Wylie, Texas (“Wylie”) to prohibit construction of federal holidays; and

WHEREAS, the City Council further finds that it is a reasonable exercise of its police power to regulate said clearance height; and

WHEREAS, the City Council has found that it would be advantageous and beneficial to the citizens of Wylie to adopt said amendments;

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment to Chapter 42 (Environment), Article II (Noise), Section 42-22(5) (Prohibited acts; enumeration) of the Wylie Code of Ordinances. Chapter 42 (Environment), Article II (Noise), Section 42-22(5) (Prohibited acts; enumeration) of the Wylie Code of Ordinances; is hereby amended as follows:

**“CODE OF ORDINANCES
Chapter 42 – ENVIRONMENT
Article II. – NOISE**

Sec. 42-22. – Prohibited acts; enumeration.

The following activities producing loud and disturbing noise shall be prohibited:

...

(5) The construction, erection, excavation, demolition, alteration or repair work on any building, or the delivery of materials on or for any such construction site, at any time other than between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, or on federal holidays; provided, however, that the city manager or his designee may issue special permits for such work or deliveries at other times in case of urgent necessity and in the interest of public safety and convenience.

...”

SECTION 3. Penalty. Any person, firm, corporation or entity violating or refusing to comply with any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding two thousand dollars (\$2,000.00) for each offense if the offense relates to public health and sanitation, otherwise the fine shall be in an amount not exceeding five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it under local, state and federal law.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, on this the 24th day of September, 2024.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

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