

ORDINANCE NO. 1215

AN ORDINANCE OF THE CITY OF LLANO, TEXAS REGULATING CONSTRUCTION NOISE; DEFINING CONSTRUCTION NOISE; DEFINING CONSTRUCTION NOISE MITIGATION; SETTING TIMES FOR CONSTRUCTION ACTIVITIES; REQUIRING NOISE MITIGATION; AND PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Llano, Texas supports and encourages the development and construction of commercial, residential and retail establishments; and

WHEREAS, the City Council understands that residents may experience temporary inconveniences due to construction activities; and

WHEREAS, the City Council wishes to mitigate these inconveniences while providing property owners and contractors the opportunity to perform their development activities and construction duties in an efficient manner.

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

SECTION 1. DEFINITIONS

1. *Construction Noise*. Noise resulting from construction activities including but not limited to site preparation, site clearing, demolition of existing structures, piling, concreting, and erection of structures and other improvements.
2. *Construction Noise Mitigation*. The act of lessening the severity or intensity of construction noise.
3. *Noise Mitigation Plan*. The set procedures followed by property owners, contractors or constructors to minimize noise during non construction hours.
4. *Sensitive Receptors*. Any residential dwelling that could be affected by Construction Noise.

SECTION 2. ALLOWED CONSTRUCTION HOURS

1. Construction shall be allowed without an After Hours Construction Permit only between the hours of 5:30 a.m. and 8:00 p.m., Central Standard Time.

SECTION 3. AFTER HOURS PERMIT REQUIRED

1. An After Hours Construction Permit, issued by the Building Official, is required for any construction conducted between the hours of 8:00 p.m. and 5:30 a.m., Central Standard Time.
2. The application for an After Hours Construction Permit shall include detailed information regarding the following: 1) the type and duration of construction to be conducted; 2) the name and phone number of the property owner, contractor or subcontractor responsible for the construction; 3) a Noise Mitigation Plan; and 4) any additional information requested by the City. The permit application must be submitted on the After Hours Construction Permit Application prepared by and available from the City.
3. The Noise Mitigation Plan shall, at minimum, address the following matters: 1) the requirement to notify in writing all Sensitive Receptors within five hundred feet (500') of the proposed construction; 2) a construction lighting plan to minimize illumination of Sensitive

Receptors; 3) the requirement to operate vehicles or equipment at lower power settings; 4) the requirement to maintain all noise reducing devices (mufflers, noise barriers, engine cowlings) in good operating condition; and 5) a plan for routing construction traffic away from Sensitive Receptors.

SECTION 4. PENALTY-STOP WORK ORDER

1. The Building Official or City Manager may at his/her sole discretion issue a stop work order if any provision of this Ordinance is violated or if any condition of the After Hours Construction Permit is violated.
2. Any property owner, contractor, subcontractor or construction worker conducting construction work outside the allowed hours without an After Hours Construction Permit shall be deemed guilty of a class C misdemeanor and subject to a fine not to exceed \$500.00

SECTION 5. SEVERABILITY.

If any provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other provisions of this Ordinance, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 4th DAY OF June, 2012.


Mike Reagor, Mayor

ATTEST


Toni Milam, City Secretary

