

Office of the City Manager

City of Richland Hills, Texas

## Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Eric Strong, City Manager  
Date: July 15, 2014  
Subject: Noise Ordinance Update

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### **Council Action Requested:**

Approval of Ordinance amending Chapter 34 "Environmental" by providing an exemption to the noise ordinance in certain instances

### **Background Information:**

It has come to staff's attention that our current noise ordinance does not provide for any exceptions or waivers for special circumstances. As an example, the current noise ordinance restricts the below listed construction activities between the hours of 10:00 p.m. and 7:00 a.m. as follows:

"The construction, including excavation, demolition, erection, alteration, repair, paving, cement or concrete pouring or related work, of any building or structure in residential or nonresidential districts, excluding any inside work done in an enclosed building or structure, and the operation of equipment, trucks or machinery which emit noise of such intensity or loudness to annoy or disturb persons of ordinary sensibilities within the hereinafter specified distance, are prohibited within 300 linear feet of any occupied residential dwelling during nighttime hours. Before any of the activities described in this section may be conducted within 50 linear feet of an occupied residential dwelling, a solid screening fence at least six feet in height must be in place between such activity and the occupied dwelling."

This restriction is normally not an issue, but it is fairly common for some construction activities, such as pouring of concrete, to occur in the very early hours of the morning before it gets too hot. This is a fairly common exception that some cities grant for various construction projects. However, our ordinances don't allow for an exception. A

project, such as the current Walmart project, could greatly benefit by being allowed to pour in the early morning hours and it could facilitate a business being able to reduce construction time and open business sooner.

The attached Ordinance allows staff to provide temporary waivers to the noise ordinance when it is in the best interest of the City.

**Board/Citizen Input:** N/A

**Financial Impact:** N/A

**Staff Contacts:** Eric Strong  
City Manager  
[estrong@richlandhills.com](mailto:estrong@richlandhills.com)

**Attachments:** Ordinance

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 34 “ENVIRONMENTAL” BY AMENDING ARTICLE V. “NOISE”; PROVIDING THAT AN EXEMPTION TO THE NOISE ORDINANCE MAY BE GRANTED IN CERTAIN INSTANCES IF DEEMED TO BE IN THE BEST INTEREST OF THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the Richland Hills City Council has determined that in certain circumstances the existing noise ordinance is unnecessarily restrictive; and

**WHEREAS**, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS;**

**SECTION 1**

That Section 34-172, “Loud noises prohibited,” of the Code of Ordinances, City of Richland Hills, Texas is hereby amended by adding the following subsection (d) to read as follows:

“(d) A temporary exemption to any part of this Article may be granted by the City Manager or his designee if it is deemed to be in the best interest of the City of Richland Hills.”

**SECTION 2  
PROVISIONS CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

**SECTION 3  
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and 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 phrase, clause, sentence, paragraph or section.

**SECTION 4  
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish this ordinance to the extent required by law.

**SECTION 5  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
THE HONORABLE MAYOR BILL AGAN

ATTEST:

\_\_\_\_\_  
LINDA CANTU, TRMC, CITY SECRETARY

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

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BETSY ELAM, CITY ATTORNEY