

Sec. 7-2. - Unlawful conduct related to health and safety.

(A) A person commits an offense if he:

- (1) Uses property in a way that annoys, injures, or endangers the health, safety, comfort, or repose of any person,
- (2) Uses property in a way that accumulates manure or rubbish or debris,
- (3) Creates or allows any sign, awning, and other similar structure over the streets or sidewalks so situated or constructed as to endanger health, safety, comfort, or repose of any person,
- (4) Makes filthy, littered, or trash-covered cellars, house yards, factory yards, vacant areas in rear of stores, vacant lots, houses, buildings, or premises containing trash, litter, rags, accumulation of empty barrels, boxes, crates, packing cases, lumber or firewood not neatly piled, scrap iron, tin, and other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire danger,
- (5) Makes any unsightly building, pre-empted, or other structure, or any old, abandoned, or partially destroyed building or structure, or any building or structure commenced and left unfinished, or any abandoned well or excavation not properly protected and which may attract children and endanger them in the course of play,
- (6) Creates places used or maintained as junk yards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, or machinery of any kind, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others,
- (7) Allows the keeping of any lot or piece of ground where a pool or pond is located that holds unwholesome, impure, stagnated, or offensive water,
- (8) Allows the open storage of commodities and materials for sale, lease, inventory or private use in areas zoned as residential. Such materials shall be screened by a solid fence and shall not be visible from a public right-of-way. Commodities are defined as, but not limited to: appliances, automotive parts, building materials, firewood, furniture (excluding patio and lawn furniture), and landscape materials. Firewood stored in rear or side yards, and R Rural and E Estate zoning districts are exempt from the screening requirements,
- (9) Possesses, manufactures, stores, sells, handles, or uses fireworks,
 - (a) Exemption: a supervised public display of fireworks provided that a permit for such fireworks display has been obtained from the State Fire Marshall or his designated representative.
- (10) Allows or maintains an unreasonable noise:
 - (a) **Day time noise.**
 - (1) During the hours of 7:00 a.m. to 10:00 p.m. that when measured from the property line of a residence located in residential zoned property exceeds sixty-three (63) decibels and would disturb or annoy a person of ordinary sensibilities, or
 - (2) During the hours of 7:00 a.m. to 10:00 p.m. that when measured from a contiguous interior wall of a residence that is a multiunit residence located in residential zoned property exceeds fifty-five (55) decibels and would disturb or annoy a person of ordinary sensibilities.
 - (b) **Night time noise.**
 - (1) During the hours of 10:01 p.m. to 6:59 a.m. that when measured from the property line of a residence located in residential zoned property exceeds fifty-six (56) decibels and would disturb or annoy a person of ordinary sensibilities, or
 - (2)

During the hours of 10:01 p.m. to 6:59 a.m. that when measured from a contiguous interior wall of a residence that is a multiunit residence located in residential zoned property exceeds fifty (50) decibels and would disturb or annoy a person of ordinary sensibilities.

(c) **Exemptions.**

- (1) Necessary construction or property maintenance, including the use of lawnmowers, during the hours of 7:00 a.m. to 10:00 p.m.
 - (a) For a person to perform construction work before 7:00 a.m. or end later than 10:00 p.m. a permit must be sought and obtained from the City Building Official, and if the Building Official concludes that because of the construction operations involved construction at that time is reasonable and necessary.
 - (b) Construction work in public rights-of-way or easements by the City or the Texas Department of Transportation.
- (2) Use of properly maintained air conditioning units.

(d) **Wolf Pen Creek Amphitheater.**

- (1) If a user, renter, or any person occupying Wolf Pen Creek Amphitheater makes or allows an unreasonable noise that would disturb or annoy a person of ordinary sensibilities the City will notify that person to lower the noise to a reasonable level.
- (2) If the noise level is not lowered the person may be ordered to cease use of the Amphitheater.

(B) The term "person" shall mean and include any natural person, business entity, or association of people in this chapter.

(C) A violation of this chapter is also declared a nuisance and may be enforced five thousand (5,000) feet outside the City limits.

(Ordinance No. 1996 of February 11, 1993)(Ordinance No. 2780 of January 27, 2005)(Ordinance No. 1996 of February 11, 1993)(Ordinance No. 3241 of April 22, 2010; Ord. No. 2013-3521, Pt. 1(Exh. R), 9-12-2013)