

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES CHAPTER 10 - MISCELLANEOUS PROVISIONS BY AMENDING ARTICLE VIII – NOISE ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING A MAXIMUM PENALTY OF \$200.00; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Keller, Texas, is a home-rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the residents of the City of Keller have expressed concerns over late night noise related to outdoor entertainment venues in and adjacent to residential uses; and

WHEREAS, the City Council has determined the City's current noise ordinance should be amended to provide an objective criteria for violations (time limitations for outdoor entertainment) and to reflect the family-friendly values of the City; and

WHEREAS, the City met with business owners in the Old Town Keller zoning district to determine the best times for outdoor entertainment both for businesses and residents; and

WHEREAS, the City Council finds and determines that the passage of this ordinance is deemed necessary in order to protect the public health, safety, and welfare; and

WHEREAS, the City Council does find that there is community support for said revisions to the Unified Development Code, and that the public requires the amendment;

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

Section 1: THAT the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT Chapter 10 – Miscellaneous Provisions of the City of Keller Code of Ordinances is hereby amended by amending Article VIII – Noise Ordinance, Sections 10-1300, 10-1310, and 10-1320 which shall read as set forth in Exhibit "A".

Section 3: THAT this Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Keller, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in such event the conflicting provisions of the other ordinances are hereby repealed.

Section 4: THAT any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed two hundred dollars (\$200.00). Each and every day any such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 5: THAT if any section, paragraph, clause, phrase, or provision of this Ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6: THAT this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of \_ to \_ on this the 20th day of September, 2022.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

Attest:

\_\_\_\_\_  
Kelly Ballard, City Secretary

Approved as to Form:

\_\_\_\_\_  
L. Stanton Lowry, City Attorney