

CITY OF COUPLAND, TEXAS

ORDINANCE No. 2026-03-17-02

AN ORDINANCE OF THE CITY OF COUPLAND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COUPLAND, TEXAS, MAKING CERTAIN NOISE UNLAWFUL; PROVIDING DEFINITIONS; PROVIDING PENALTIES AND RELATED ITEMS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR OPEN MEETINGS CLAUSE.

WHEREAS, whereas certain noises can cause discomfort or injury, the loss of use or enjoyment of real property and otherwise threaten the health, safety, and welfare of the citizens of the City of Coupland; and

WHEREAS, Local Government Code Section 51.001 permits Texas municipalities to adopt such ordinances that promote the peace and order of municipalities; and

WHEREAS, the City of Coupland desires to make certain noises unlawful for the protection of the health, safety, and welfare of the citizens of the City of Coupland.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Noise Ordinance. The City of Coupland, Texas, hereby adopts the Noise Ordinance attached hereto as **Exhibit A** and incorporated by reference herein for all purposes.

Section 3. Repealing all Conflicting Ordinances. All

ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are amended to the extent of such conflict or inconsistency. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Coupland, the terms and provisions of this ordinance control.

Section 4. Savings Clause. The City Council of the City of Coupland, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 5. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS 17th DAY OF
March, 2024.

ATTEST:


Rachel Wrzuszczak, City Secretary
Schmidt, Mayor

Russell

EXHIBIT A

NOISE NUISANCE ORDINANCE

I. Definitions.

Noise Nuisance means any loud irritating, vexing, or disturbing sound which causes distress, annoyance, discomfort, or injury to or which interferes with the comfort or repose of any person of reasonable nervous sensibilities in the vicinity of hearing thereof between the hours of 10:00pm and 7:00am.

II. Penalty.

Any person violating any provision of this ordinance shall be fined in any sum not more than two hundred dollars. Each day a violation under this ordinance continues shall constitute a separate offense.

III. Prohibition.

The creation of a Noise Nuisance is unlawful unless otherwise excepted herein.

IV. Exceptions.

(a) A person or entity may receive a permit for an exception to this ordinance by submitting an application to the City Secretary providing (i) the name of the responsible party (ii) the time, place, and duration of the exception, (iii) the mitigation efforts undertaken by the responsible party, and (iv) how the exception is minimally invasive and promotes the trade and commerce of the city.

(b) Any permit issued under this provision may contain such terms and conditions as required by the city to ensure the health, safety, and welfare of the citizens of the City of Coupland and may be repealed at the discretion of Board of Aldermen.