

Village of Volente

ORDINANCE NO. 2014-O-17_

AN ORDINANCE UNDER TITLE IV PUBLIC HEALTH AND SAFETY CHAPTER 45 ADOPTING THE COMMON LAW NUISANCE STANDARD WITHIN THE VILLAGE OF VOLENTE; PROVIDING FOR PROHIBITIONS; ENFORCEMENT, FINES AND CRIMINAL PENALTIES; SEVERABILITY; PUBLIC NOTICE; OPEN MEETINGS; AND, EFFECTIVE DATE.

WHEREAS, the Village of Volente desires to protect its citizens from excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances within its corporate boundaries; and

WHEREAS, the Village of Volente finds that at this time the adoption of the common law nuisance standard as set forth in this Ordinance will help protect its citizens from excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances within the Village of Volente; and

WHEREAS, excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances are a hazard to the public health and welfare, safety, and the quality of life: and

WHEREAS, the people have a right to and should be ensured an environment free from nuisances that may jeopardize their health or welfare or degrade their quality of life.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Section One: The Village of Volente adds Title IV Health and Safety Chapter 45 to its Code of Ordinances by adopting the following common law nuisance standard within its corporate boundaries.

Section Two: Legislative Findings.

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

Section 45.01: Purpose and Scope

This Ordinance is adopted to prevent excessive or unreasonable sounds, noises, odors, dust, lights, and other nuisances within the corporate limits of the Village of Volente to promote the

health, safety, welfare, convenience and enjoyment of the citizens of Volente

Section 45.02:

It shall be a violation of this Ordinance to cause or be responsible for the production of a Nuisance within the Village's corporate boundaries. A Nuisance is condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. Nuisances include but are not limited to, sounds, noises, odors, dust, and lights at levels that are unreasonable and which disturb persons of ordinary sensibilities, or that unreasonably interfere with the normal use and enjoyment of properties beyond the boundaries of the property on which the activity producing the condition occur.

Section 45.03: Enforcement

a. Penalties and Injunctive Relief

(1) The Village may bring a civil action for the enforcement of this ordinance in a Travis County District Court pursuant to the provisions of Chapter 54.012 *et seq.* of the Texas Local Government Code for civil penalties and injunctive relief.

(2) The Village may bring a criminal action in its municipal court against any person who violates any provision of this ordinance. Upon conviction, the person shall be fined for each offense a sum of not less than one hundred dollars and not more than one thousand dollars.

(3) Each day of violation of any provision of this ordinance shall constitute a separate offense.

b. Notice of Violation

Violation of any provision of this ordinance shall be cause for a notice of violation to be issued by the representative of the Village.

Section 45.04: Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section 45.05: Effective Date

This Ordinance shall take effect after any required posting and publication of this Ordinance.

Section Three: Public Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is passed 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.

PASSED AND APPROVED this ____ day of November, 2014 by a vote of ____ to ____.



Frederick Graber, Mayor
Village of Volente

ATTEST:



Julia Vicars, Acting Village Secretary