

ORDINANCE NO. 084-051

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCE BOOK OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR PROHIBITING EXCAVATION, ERECTION, CONSTRUCTION OR DEMOLITION AT NIGHT; PROVIDING FOR AN EXCEPTION; PROVIDING FOR A PERMIT; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTING SECTIONS; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinance Book of the Town of Addison, Texas, is hereby amended by adding Section 5-37.5 to read as follows:

Sec. 5-37.5. Prohibiting excavation, construction or demolition at night.

- (a) Intent and purpose. The City Council of the Town of Addison finds and declares that:
1. The uncontrolled excavation, erection, construction or demolition at night upon buildings or structures presents an inconvenience or danger to the welfare and safety of those persons residing within or near the buildings or structures worked upon.
 2. Such nocturnal activity causes inconvenience or danger to those persons residing within or near the buildings or structures worked upon so as to constitute a public nuisance.
 3. It is matter of public necessity that the Town of Addison protect those persons residing within or near the buildings or structures worked upon from the danger posed by such nocturnal activity.
 4. The provisions and prohibitions hereinafter contained

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and enacted are in pursuance of and for the morals and general welfare of persons in the Town of Addison.

5. There is an immediate and present danger presented by the above described uncontrolled nocturnal activity, creating an emergency.
- (b) Unlawful activity. It shall be unlawful for a person, firm or corporation to excavate, erect, build, construct, alter, repair or demolish any building or structure between the hours of 7:00 p.m. and 7:00 a.m., Monday through Friday, and between the hours of 7:00 p.m. and 8:00 a.m. on Saturday and Sunday, if such activity is performed within a residential, apartment or townhouse zoned area, or within 300 feet of an occupied residence, except in cases of urgent necessity or in the interest of public safety and convenience, and then only by permit of the City Manager.
- (c) The provisions of this section shall not apply to city and utility company when engaged in the installation or repair of utility lines situated within such buildings or structures.

SECTION 2. That any person, firm, or corporation violating any of the provisions of this ordinance shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense. Further more, the construction or building permit of a person, firm or corporation may be revoked if said person, firm or corporation continues violating any of the provisions of this ordinance.

SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the city not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 5. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 24th day of July, 1984.

MAYOR



ATTEST:


ASSISTANT CITY SECRETARY

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