

ORDINANCE NO. 2016-04-25-A

 ORIGINAL

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, AMENDING SECTION 4 OF ORDINANCE NUMBER 2012-10-8-A; PROVIDING AN ADDITIONAL EXCEPTION TO THE PROVISIONS OF THE NOISE ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City of Ranger (the "City") desires to authorize the City Commission to grant an exception to the provisions of the City ordinance that seeks to regulate, abate and control noise nuisances within the City; and

WHEREAS, the City Commission should be authorized to grant exceptions to this Ordinance by approving a special use permit providing exceptions to this Ordinance to enable certain business activities that commonly exist and operate within incorporated cities to operate within the downtown area of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS, THAT:

SECTION 1. Section 4 of Ordinance No. 2012-10-8-A, is hereby amended in its entirety to read as follows:

Section 4. Exceptions. (a) **General.** The prohibitions in this Ordinance shall not apply to the reasonable playing of musical instruments, the use of an amplifier, or crowd noise during an event that is sponsored by a religious, school or community association or organization, or a trade or political group, provided that such noise occurs before 12:00 p.m.(midnight) and provided that such noise occurs during the event and as part of the event.

(b) **Definitions.** The following definitions are adopted and provided for the purposes of this Section 4.

(i) **Downtown Area** means the area of the City of Ranger located within the boundaries of Commerce, Pine, Bristow and Cypress Streets

(ii) **Special Use Permit** means a permit granted to or for the Downtown Area that varies the terms of, or provides an exception to, the provisions of this Ordinance.

(c) **Variance.** The City Commission may by majority vote, upon application being made and considered at a public meeting, grant a Special Use Permit that establishes or authorizes specific or decibel band sound levels at the boundary line of the single family residence that is nearest to the boundary of the property:

DECIBEL BANK LIMIT (DB RE 0.0002 MICROBAR)

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- (i) Measurement of noise is made with a sound level meter meeting the standards prescribed by the American Standards Association.

- (d) **Term of Special Use Permit.** Special Use Permits granted pursuant to this Section 4 shall be and remain subject to the continuing and on-going supervision and discretion of the City Commission and shall in effect until such time as the permit is:
 - (i) modified, amended or revoked by the City Commission;
 - (ii) released, abandoned or waived by the person or entity that was granted the permit;
 - (iii) released, abandoned or waived by the person or entity that owns the property on which the Amusement (Indoor) was located when the permit was granted; or
 - (iv) the property, or the lease or rental of the property, or the Amusement (Indoor), is sold, transferred or conveyed to a person, firm or entity other than the person, firm or entity that received the Special Use Permit.

- (e) **Transfer of Special Use Permit.** A Special Use Permit granted pursuant to this Section 4 may not be sold, transferred or conveyed by the original permittee, and shall immediately terminate and expire upon being sold, transferred, conveyed or assigned by the original permittee; provided the City Commission may, prior to a sale, conveyance, transfer or assignment of the Special Use Permit, upon application and hearing authorize and approve the transfer, sale, conveyance or sale of the Special Use Permit.

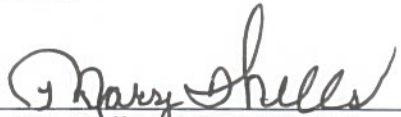
SECTION 2. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

SECTION 3. Open Meetings. 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, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on First Reading on this 11th day of April, 2016.

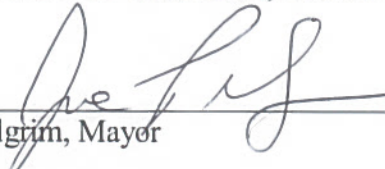
PASSED AND FINALLY APPROVED on this 25th day of April, 2016.

Attest:



Mary Wells, City Secretary

THE CITY OF RANGER, TEXAS



Joe Pilgrim, Mayor