

**ORDINANCE NO. 2021-05-06-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.100 BUILDING CODES AND CONSTRUCTION REQUIREMENTS, SECTION 3.115 TO ADD REQUIREMENTS FOR SIGNAGE AT CONSTRUCTION SITES RELATED TO WORK HOURS AND NOISE VIOLATIONS, PROVIDING CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSE.**

**WHEREAS**, the City of Lago Vista, Texas is a Home Rule City; and

**WHEREAS**, the City is experiencing a significant increase in residential construction resulting in increased noise and incidences of construction on prohibited days and hours; and

**WHEREAS**, the increased activity has resulted in increased disturbances for existing residents and increased calls to the Police Department, warranting the City to take a no tolerance policy; and

**WHEREAS**, the City Council desires to amend Section 3.115 of the City's Code of Ordinances to require signage for each construction site to remind contractors and subcontractors of the specified days and hours for work and of the fines for violation thereof; and

**WHEREAS**, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to adopt the proposed amendments to Section 3.115 of the City of Lago Vista Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**SECTION 1. FINDINGS OF FACT.** All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

**SECTION 2. AMENDMENT.** The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 3, Building Regulations, Article 3.100 Building Codes and Construction Requirements, Section 3.115 as shown in Exhibit "A." Underlined language shall be added and language to be deleted is signified by strike-through.

**SECTION 3. REPEALER.** All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

## Exhibit "A"

### **Sec 3.115 Construction Activity Disturbances**

In addition to compliance with the regulations and requirements contained in the following sections, the permit holder shall be responsible for minimizing all disturbances to adjacent property owners and preventing any nuisances that might result from construction activity to the greatest extent possible. Requirements shall include, but not be limited to:

#### ~~(1)~~ (a) Permitted Hours of Operation.

Absent express written approval from the building official pursuant to a minimum seven calendar day advance request, construction activity shall be prohibited on Sundays, Christmas Day, New Year's Day, Thanksgiving Day or on any other day after 7:00 p.m. or before 7:00 a.m. In the absence of such prior written approval, any presence on the site by construction personnel shall be considered construction activity.

#### ~~(2)~~ (b) Use of Adjacent or Nearby Property.

Absent special arrangements in accordance with the provisions of Section 3.118(5), construction staging shall be limited to the project site and nearby property with the advance written approval of the building official and the property owner. The consent of the property owner shall be in the form of a notarized affidavit or letter from all individuals or entities known to the Travis County Appraisal District.

#### ~~(3)~~ (c) Sanitary Facilities.

Approved sanitary facilities, including portable toilets and drinking water, shall be continuously available as soon as construction personnel are consistently present on the project site. Portable facilities may only be removed prior to the completion of all construction activity if permanent facilities are made available for the use of construction personnel.

#### ~~(4)~~ (d) Erosion Control.

Prior to any soil disturbance from construction activity, temporary erosion controls in accordance with the requirements of this chapter shall be in place. Temporary erosion controls must remain in place until all permanent improvements have been completed and approved. Certificates of occupancy, including temporary certificates of occupancy shall not be issued until all temporary erosion controls are unnecessary and have been removed. See Chapter 10, Chapter 10.5 and Article 3.1402 below.

#### (e) Required Signage.

(1) Number of Signs: For each construction site, the permit holder must post a minimum of one (1) sign on each non-contiguous street frontage that cannot be seen from a single vantage point.

(2) Content: Each sign shall contain the following language:

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5. CODIFICATION AND PUBLICATION.** The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

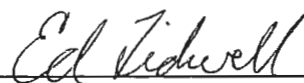
**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

**SECTION 7. 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, Chapter 551 of the Texas Government Code.

**AND, IT IS SO ORDERED.**

**PASSED AND APPROVED** this 6<sup>th</sup> day of May 2021 by a vote of the City Council of the City of Lago Vista, Texas.



  
Ed Tidwell, Mayor

ATTEST:

  
Sandra Barton, City Secretary

On a motion by Councilmember Sullivan, seconded by Councilmember Williams, the above and foregoing ordinance was passed and approved.

### NOTICE

- Commercial construction on Sunday is prohibited by city ordinance.
- Loud music is prohibited by city ordinance.
- Work hours are MONDAY – SATURDAY 7 a.m. – 7 p.m.

### NOTICIA

- La construcción commercial está prohibida los domingos por la ordenanza de la ciudad.
- La música alta está prohibida por la ordenanza de la ciudad.
- El horario de trabajo es de lunes a sábado de 7 a.m. – 7 p.m.

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### ZERO TOLLERANCE

FINES NOT TO EXCEED \$2,000 PER PERSON

### CERO TOLERANCIA

MULTAS QUE NO SUPEREN \$2,000

- (2) Duration: Signs shall be posted for the duration of construction at the site, beginning when the building permit is issued and remaining visible until the Certificate of Occupancy is issued by the City. The permit holder is responsible for replacing signs that are removed or become illegible due to damage, weather or any other condition.
- (3) Size: Signs shall be 24” wide by 18” tall
- (4) Font Size: Letters on the sign shall be no smaller than ½” in size.
- (5) Location: Signs shall be placed at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible from the street at all times.
- (6) Signs may be purchased from the City for the cost incurred by the city to produce the sign or produced by the permit holder after review by the Development Services Department for compliance.