

ORDINANCE NO. 12-01

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SEC 12-2(B)(a)(10), 12-2(B)(a)(11), 12-2(B)(a)(12) AND 12-2(B)(b) OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND PERTAINING TO NOISE NUISANCE ENUMERATION FOR THE NEW ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES. PROVIDING FOR A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

**Section 1.** Sec. 12-2(B)(a)(10), 12-2(B)(a)(11), 12-2(B)(a)(12) and 12-2(B)(b) of Chapter 12 of the Code of Ordinances of the City of South Padre Island is amended to read as follows:

**Sec. 12-2. Noises--Loud, disturbing, etc. prohibited.**

**(B) Noise Nuisance Enumeration.**

**(a)**

“(10) The making of noise which exceeds seventy-eight (78) decibels in Districts zoned “B”, “B-2” and “NT” properties as defined by Chapter 20, Code of Ordinances (Zoning), when measured from property under separate ownership.

(11) The making of noise which exceeds eighty (80) decibels in Districts zoned “C”, “NC”, “TCC”, “PBN”, “PBS” and “PBC” properties as defined by Chapter 20 Code of Ordinances, when measured from property under separate ownership.

(12) The making of noise which exceeds eighty-five (85) decibels emanating from properties in Districts “BF”, “EDC”, PDD, D, D-1 and D-2 as defined by Chapter 20 Code of Ordinances (Zoning), when measured from property under separate ownership. Any adjacent property owned, leased, controlled or managed by any person or entity or any affiliate that directly or indirectly controls, is controlled by, or shares common control with the other entity that has an ownership interest or lease interest in the monitored property shall not be considered property under separate ownership for purposes of determining the boundaries of the noise source property from in those districts.

**(b)** Subtract seven (7) decibels for noise at nighttime except in Districts “BF”, “EDC”, PDD, D, D-1 and D-2 as defined by Chapter 20 Code of Ordinances (Zoning).”

**Section 2:** This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

**Section 3.** Any violation of the above amended sections of Chapter 2 of the Code of Ordinances of the City of South Padre Island or failure to pay the same may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

**Section 4.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**Section 5.** This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the 18<sup>th</sup> day of January 2012.

PASSED, APPROVED AND ADOPTED on Second Reading, the 1<sup>st</sup> day of February 2012.

ATTEST:

  
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SUSAN HILL, CITY SECRETARY

CITY OF SOUTH PADRE ISLAND, TEXAS

  
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ROBERT N. PINKERTON, JR., MAYOR

