

## ORDINANCE NO. 2296

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS  
AMENDING SECTION 11-8 OF THE CODE OF THE  
CITY OF MESQUITE BY PROVIDING FOR THE  
HOURS OF WORK FOR CONSTRUCTION ACTIVITY  
OUTSIDE AN ENCLOSED STRUCTURE; BY  
PROVIDING A SEVERABILITY CLAUSE; BY  
PROVIDING FOR A PENALTY NOT TO EXCEED TWO  
HUNDRED (\$200.00) DOLLARS FOR EACH  
OFFENSE; AND DECLARING AN EMERGENCY:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Section 11-8 of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in force and effect:

The following language is hereby added to Section 11-8 of the Code of the City of Mesquite:

Construction noise. Construction work which is loud and performed outside an enclosed structure between 10:00 P.M. and 6:00 A.M. shall be prima facie evidence that such noise is unreasonable but shall be rebuttable as in other cases.

Provided, however, that it is an affirmative defense that such work was of an emergency nature to the extent that foregoing such work to other times of the day would create a serious hardship or entail a substantial risk to the worker or others of loss of life, impairment of health or property loss.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed to be guilty of a Class C Misdemeanor, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as law in such cases provides.

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DULY PASSED AND APPROVED by the City Council of the City of  
Mesquite, Texas on the 5th day of May, A.D., 1986.

  
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Mrs. Brunhilde Mystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney