

ORDINANCE NO. 22-Z

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. JUNKED VEHICLES, AND ARTICLE III. POLICE RESERVE FORCE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 15, Offenses and Miscellaneous Provisions, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

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Sec. 15-2. - Air guns—Discharge prohibited.

It shall be unlawful for any person to shoot or discharge any air gun or air rifle of any description in the city or to knowingly, willfully or negligently cause any air gun or air rifles to be shot or discharged in the city by a minor who is in his custody or under his control.

Exception: Discharge of an air gun or air rifle is permitted at an indoor, semi-indoor or outdoor gun range operating in the City which has been designed to allow for the discharge of firearms.

Sec. 15-3. - Assault.

If any person shall use any unlawful violence upon the person of another, with intent to injure him, whatever be the means or the degree of violence used upon the person of another,

such person shall be guilty of an assault, and upon conviction, shall be punished as prescribed in section 1-5.

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Sec. 15-8. - Firearms—Discharge prohibited.

No person shall fire or discharge any gun, revolver, pistol or other firearm within the city or knowingly, willfully or negligently cause any gun, revolver, pistol or other firearm to be fired or discharged within the city by a minor who is in his custody or under his control.

Exception: Discharge of a firearm is permitted at an indoor, semi-indoor or outdoor gun range operating in the City which has been designed to allow for the discharge of firearms.

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Sec. 15-11. - Noise—Use of amplifying devices and sound trucks.

- (a) It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify, amplify or reproduce the human voice or to produce, reproduce, intensify or amplify any other sound in any building or on any premises of the city or in or on any vehicle in the city for any purpose whereby the sound therefrom is cast directly upon the public streets or places, or which is so placed or operated that the sound coming therefrom can be heard on the streets or on neighboring premises to the annoyance or inconvenience of a reasonable person having normal nervous sensibilities, and being of ordinary tastes, habits and modes of living.
- (b) Notwithstanding the above provisions, amplifying devices and sound trucks may be used in the city provided a permit therefor is first obtained from the Chief of Police and such permit designates the term of the permit as determined by the Chief of Police.
- (c) Businesses who during the course of normal operations provide live or pre-recorded music or voice amplification and which have designated areas for live music or pre-recorded music or voice amplification, such as an outside stage, bandstand, or similar designated area where outside events or meals are held may, upon application to the Chief of Police, obtain a permit which is good for one calendar year from date of issuance.
- (d) All permits issued under this chapter are subject to restrictions designated at time of issuance and may be revoked due to violations of restrictions or other cause.

Secs. 15-12—15-29. - Reserved.

ARTICLE II – JUNKED VEHICLES

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Sec. 15-34. - Disposal of junked vehicles.

If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrap yard, demolisher, or any suitable site designated by the city for processing as scrap or salvage. After removal of the

junked vehicle or parts thereof to a scrap yard, demolisher, or other suitable site, it shall not be reconstructed or made operable by any person.

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ARTICLE III. - POLICE RESERVE FORCE

Sec. 15-50. - Short title.

This article will be known and may be cited as the "Police Reserve Ordinance of the City of Alvin, Texas."

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Sec. 15-52. - Qualifications and standards of training.

To be eligible for appointment as a member of the police reserve force of the city, a person shall meet the minimum physical, psychological, educational, and moral standards established by the Texas Commission on Law Enforcement prior to his/her appointment. Members of the Police Reserve Force shall be governed by the rules and policies established by the Police Chief for the Police Reserve Force.

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Section 2. That except as amended herein all other provisions of Chapter 15 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the 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*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary