

**CITY OF LAKEWAY, TEXAS**

**ORDINANCE NO. 2021-07-19-05**

**AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS,  
AMENDING THE CODE OF ORDINANCES, SECTION  
14.03.007(b)(4) CONSTRUCTION AND SECTION 24.02.202  
PERMITTED HOURS FOR CONSTRUCTION ACTIVITY;  
AND PROVIDING FOR SAVINGS, SEVERABILITY,  
REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Lakeway, Texas (“City”) seeks to provide for the safety and welfare of its citizens and provide for the orderly development and use of land within its corporate limits and its extraterritorial jurisdiction; and

**WHEREAS,** the City Council seeks to outline the appropriate hours for construction within the City and to update the City’s ordinances for consistency; and

**WHEREAS,** the City recently received feedback from contractors to facilitate large commercial developments to build in the City; and

**WHEREAS,** the terms of allowable construction hours constrain progressive development and require minor flexibility to a small number of commercial developers.

**NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. AMENDMENTS**

The City of Lakeway Code of Ordinances, Section 14.03.007(b)(4) Construction is hereby amended of as follows:

“(4) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:

(A) Before ~~7:00~~ 8:00 a.m. or after ~~9:00~~ 7:00 p.m. ~~on weekdays, or before 8:00 a.m. or after 6:00 p.m. on Saturdays, Sundays or holidays, during the months of April~~

~~through October~~ daily, such that the sound therefrom creates a noise violation across a residential real property boundary, except for emergency work of public service utilities or by special exception issued pursuant to section 14.03.008(b).

(B) Commercial construction requiring an early morning concrete pour will be required to notify and receive prior approval from the code official in the form of a condition on the building permit. The contractor will be required to notify the Lakeway Police Department, the Building & Development Services Department and residential properties within 200' of the date, hours of construction, a contact phone number, and the expected duration. ~~Before 7:00 a.m. or after 7:00 p.m. on weekdays, or before 8:00 a.m. or after 6:00 p.m. on Saturdays, Sundays, or holidays, during the months of November through March, such that the sound therefrom creates a noise violation across a residential real property boundary, except for emergency work of public service utilities or by special exception issued pursuant to section 14.03.008(b).~~

(C) This subsection shall not apply to the use of domestic power tools subject to subsection (b)(10) of this section.”

The City of Lakeway Code of Ordinances, Section 24.02.202 Permitted hours for construction activity is hereby amended of as follows:

**“Sec. 24.02.202 Permitted hours for construction activity**

- (a) Construction operations, including the delivery of materials and equipment, which produce noise disturbances, are only permitted between the hours of 8:00 a.m. to 7:00 p.m.
- (b) Commercial construction requiring an early morning concrete pour will be required to notify and receive prior approval from the code official in the form of a condition on the building permit. The contractor will be required to notify the Lakeway Police Department, the Building & Development Services Department and residential properties within 200' of the date, hours of construction, a contact phone number, and the expected duration.”

**3. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

**4. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

**5. REPEALER**

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

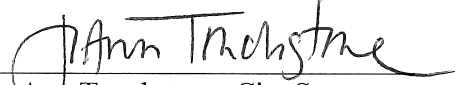
**PASSED & APPROVED this the 19<sup>th</sup> day of July, 2021, by the City Council of Lakeway, Texas.**

**CITY OF LAKEWAY:**

By: \_\_\_\_\_

  
Thomas Kilgore, Mayor

**ATTEST:**

  
JoAnn Touchstone, City Secretary

