

## ORDINANCE 2016-28

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA, RELATING TO REGULATION OF HOURS DURING WHICH CONSTRUCTION ACTIVITIES MAY OCCUR WITHIN THE CITY; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Minneola finds that after-hours construction contributes to excessive noise and provides opportunity for increased criminal activity in construction areas; and

**WHEREAS**, the City Council of the City of Minneola finds that with the increase in development law enforcement within the City has had greater difficulty differentiating legitimate after-hours activity from criminal activity; and

**WHEREAS**, the City Council of the City of Minneola finds that control of the hours during which construction may occur within the incorporated boundaries of the City benefits the public health, safety and welfare by eliminating noise, commercial traffic and criminal activity; and

**WHEREAS**, the City Council of the City of Minneola accordingly desires to pass this Ordinance 2016-28.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA, THAT:**

**Section 1.** Chapter 14, "Building and Building Regulations" Section 14-9 "Limit on Hours of Construction" of the Code of Ordinances of the City of Minneola is hereby amended to read as follows:

### Sec. 14-9 Limits on Hours of Construction

(a) Generally: Construction shall not begin at any construction site until 8:00 a.m. and shall cease at 6:00 p.m. subject to exceptions listed herein. For purposes of this section, "construction" shall include, but not be limited to, delivery of equipment and supplies, all building construction activities as regulated, permitted, or addressed by Chapter 14, "Building and Building Regulations" of the Code of Ordinances, and any land development activities addressed in Chapter 98 et. seq. of the Land Development Code.

(b) Exceptions:

(1) It shall be within the discretion of the City Manager or designee when any such construction work shall not create adverse effects on the residents or inhabitants of the City to grant a written exception to this section. The City Manager or designee shall consider such factors as noise, vibration, and risk of criminal activity in granting said exception.

(2) The operation of equipment relating to the essential services of the City and equipment operating during emergency conditions shall be exempted from this section.

(3) This section shall not apply to any government agency authorized construction or construction required by government regulation to take place during off-hours or after-hours including but not limited to Florida Department of Transportation, Florida Turnpike Enterprise, and Lake County Department of Public Works.

(c) Enforcement: Violations of Sections 14-9 and 14-10 shall be punishable by a fine of up to \$2,500 per day and/or the issuance of a "stop work" order for future construction or development activities on the property and shall be enforced through the City's code enforcement process as provided in Chapter 26 of the Code of Ordinances.

**Section 2.** All ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 3.** The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Minneola, Florida and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

**Section 4.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.


**Section 5.** This ordinance shall become effective immediately upon passage by the City Council of the City of Minneola.

**PASSED AND ORDAINED** in regular session of the City Council of the City of Minneola, Lake County, Florida, this 18<sup>th</sup> day of October, 2016.

BY:

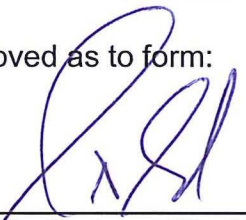
  
Pat Kelley, Mayor

ATTEST:

  
Christina Stidham, City Clerk



Approved as to form:

  
Scott A. Gerken, City Attorney

Passed First Reading on: 9/6/16

Passed Second Reading on: 10/18/16