

ORDINANCE NO. O-1-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, AMENDING CHAPTER 12. NUISANCES. AT ARTICLE II. NOISE. AT SECTION 12-19. PROHIBITIONS; CATEGORIES OF NOISE PROHIBITIONS: SPECIAL REGULATIONS FOR MIXED USE ZONING DISTRICTS. IN ORDER TO LIMIT THE TIME PERMITTED FOR CONSTRUCTION NOISE IN RESIDENTIAL ZONING DISTRICTS. PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 12. NUISANCES. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 12. Nuisances. of the Town Code of Ordinances sets forth noise Prohibitions including categories of noise prohibitions within the Town; and

WHEREAS, the Town Council of the Town of Lantana, Florida, has determined that a need exists to amend Chapter 12. Nuisances. of the Town Code of Ordinances in order to further limit the time permitted for construction noise in certain residential zoning districts; and

WHEREAS, the Town Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the Town of Lantana, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, that:

Section 1: The foregoing facts and recitals set forth hereinabove are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: Chapter 12. Nuisances. Is hereby amended at Section 12-19. Prohibitions; categories of noise prohibitions: special regulations for mixed use zoning districts. in order to

limit the time permitted for construction noise in certain residential zoning districts; providing that Section 12-19 shall hereafter read as follows:

Sec. 12-19. - Prohibitions; categories of noise prohibitions: special regulations for mixed use zoning districts.

The following activities are prohibited when such are found to unreasonably disturb the peace and quiet of persons in the audible vicinity thereof. In addition, a rebuttable presumption exists that the ~~general~~ ambient noise level of the town is reduced during the hours of 11:00 p.m. and 7:00 a.m. on weekdays and Saturdays and on Sundays between the hours of 7:00 a.m. and 12:00 midnight; and the ambient noise level at the time the noise is created shall be considered in an objective determination as to whether the noise levels are loud and raucous causing actual or imminent interference with the general peace and good order:

(a) *Commercial, industrial, manufacturing, and construction noise.* It shall be unlawful for any commercial, industrial, construction or manufacturing activities to be conducted within the town in such a manner that the noise resulting from such activity is determined to be unreasonably loud and raucous, and the reasonableness of such commercial, industrial, construction or manufacturing noise will be determined, in part, based upon the rebuttable presumption that the ambient noise level of the town is significantly reduced within the residential zoning districts R1A, R1, R3, and R15 during the hours of 7:00 p.m. and 7:00 a.m. on weekdays and during the hours of 5:00 p.m. and 9:00 a.m. on Saturdays and Sundays and on designated Town holidays, and for all other zoning districts during the hours of 11:00 p.m. and 7:00 a.m. Furthermore, in determining whether unreasonably loud and raucous noise is associated with specific construction activities, the reasonableness of the noise will be determined, in part, based upon the

presumption that such construction noise is normally associated with work done between the hours of 7:00 a.m. and 6:00 p.m. Finally, all such activities addressed in this subsection shall be conducted in a controlled manner so as not to create unreasonably loud, raucous, jarring, and disturbing noise or any like noise which is a nuisance to persons within the area of audibility.

(b)-(f) (These subsections shall remain in full force and effect as previously adopted.)

Section 3: Each and every other section and subsection of the Chapter 12 of the Town of Lantana Code of Ordinances remain in full force as previously adopted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of the Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance is effective immediately upon adoption.

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FIRST READING this 14th day of December, 2015

SECOND AND FINAL READING this 11th day of January, 2016.

TOWN OF LANTANA

Aye

Nay

Mayor David J. Stewart

Aye

Nay

Vice Mayor Malcolm Balfour

Aye

Nay

Councilmember Philip J. Aridas

Aye

Nay

Councilmember Tom Deringer

Aye

Nay

Councilmember Lynn J. Moorhouse

ATTEST:

TOWN CLERK

(Seal)

Approved as to form and legal
sufficiency: