

ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, AMENDING SECTION 15.03 OF THE SAFETY HARBOR CITY CODE TO REVISE NOISE REGULATIONS FOR CONSTRUCTION EQUIPMENT AND ESTABLISH ASSOCIATED FINES FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article II, Section 7 of the Florida Constitution provides that "It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources;" and

WHEREAS, unreasonably loud and raucous amplified noise increasingly cuts against this policy; and

WHEREAS, construction activity is important to the economic development of the City and should be allowed during reasonable hours; and

WHEREAS, it is the purpose of this ordinance to provide reasonable time, place, and manner restrictions in order to reasonably protect and promote the health, safety, general welfare, and the reasonable peace and quiet of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAFETY HARBOR, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. The above recitals are true and correct and are incorporated by reference as the findings of the City Commission.

SECTION 2. Chapter 15, Section 15.03(b)(5) of the Safety Harbor City Code is hereby amended as follows:

**Sec. 15.03. - Prohibited excessive or unnecessary noises.**

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(b)(2) Construction equipment. The operation between the hours of 6:00 p.m. and 7:00 a.m. on ~~any weekdays~~, between the hours of 6:00 pm and 8:30 am on Saturdays or at any time on Sunday, of construction equipment, including, but not limited to, any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist tractor, earth moving equipment or other construction equipment, the use of which is attended by loud and raucous noise. The operation of construction equipment

prohibited during the above-stated times shall include pre-staging and set up of such equipment, and lining up vehicles with gross combination weight rating (GCWR) above 50,000 pounds, or powered industrial trucks, at or near the construction site.

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(e) Each violation of any provision of this section shall constitute a separate offense and shall subject the offender, upon conviction, to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period not exceeding sixty (60) days, or both, in the discretion of the court.

(f) Any violator of Sec. 15.03(b)(2) shall be subject to a fine of \$250.00 for the first offense, \$500.00 for the second offense and \$750.00 for the third offense.

**SECTION 3.** This Ordinance shall be codified and made part of the Safety Harbor City Code and all sections shall be alphabetized and/or renumbered to accomplish such codification.

**SECTION 4.** Each provision of this ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**SECTION 5.** This ordinance shall become effective immediately upon its passage and adoption.

**PASSED ON FIRST READING MARCH 19, 2018.**

**PASSED AND ADOPTED ON SECOND AND FINAL READING APRIL 2, 2018.**

APPROVED AS TO FORM:

Alan S. Zimmet

Alan S. Zimmet, City Attorney

ATTEST:

Karen Sammons  
Karen Sammons, CMC, City Clerk

John A. Paul  
Mayor - Commissioner

Clifford  
Vice Mayor - Commissioner

Clifford  
Commissioner

Clifford  
Commissioner

Nancy J. Bost  
Commissioner