

ORDINANCE 3178-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE IV OF CHAPTER 62 OF THE CITY'S CODE OF ORDINANCES, PROVIDING FOR REGULATIONS REGARDING CONSTRUCTION AND RELATED NOISE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the hours in which construction activity is permitted in residential areas of the City can affect the livability and peaceful enjoyment of those residential neighbors; and

WHEREAS, the City recognizes that providing for uniform hours for noise generated by construction activity in an equitable manner for all citizens is in the best interests of the public and residents in order to protect the public health, safety and general welfare.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK:

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION 2: Amendment. Sections 62-97(9) & (11) contained within Division 2 of Article IV of Chapter 62 "Offenses and Miscellaneous Provisions" of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 62. Offenses and miscellaneous provisions.

DIVISION 2. - NOISE AND DISTURBANCE CONTROL

Sec. 62-97. - Specific prohibitions.

(a) The following acts, among others (this enumeration shall not be deemed to be exclusive), are declared to be noise disturbances in violation of this division:

(9) *Construction activities, piledrivers, hammers, etc.* The operation between the hours of ~~9:00~~ 8:00 p.m. and 7:00 a.m. on Monday through Friday, and from 8:00 p.m. on Friday to 8:00 a.m. on Saturday morning, of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, ~~or other~~ construction appliance or machine, or construction materials or equipment delivery such as to create a noise disturbance across a residential or commercial real property line.

(11) Construction activities on ~~Sunday~~ weekends and holidays. Operating or permitting the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, power saw, ~~or other~~ construction appliance or machine, or construction materials or equipment delivery between ~~9:00~~ 6:00 p.m. on Saturday and 7:00 a.m. on the following Monday or at any time on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day or Christmas Day so as to create a noise disturbance across a residential or commercial real property line.

b) Limited Allowances for Construction Activities. When any of the following conditions exist, the City Manager or his or her designee may waive applicable portions of the Noise prohibitions listed under Section 62-97 of this code concerning construction activities:

- i. the construction activities, if conducted within permitted hours, are of a nature or type that will unduly impede, disturb, or interfere with transportation networks, vehicular or pedestrian traffic, or parking, or other logistical operations ordinarily occurring during permitted hours;
- ii. the work is emergency work or repairs, including, but not limited to, work that must be completed as quickly as possible to avoid injury or damage to persons or property, including, but not limited to, emergency utility work to restore electricity, water, sewer, or other service; or
- iii. the work, if not completed, commenced, or finished outside of permitted hours, will be damaged or otherwise destroyed by expected inclement weather conditions.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance will be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right and authority to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance will become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12th day of August, 2020.

Steven Leary, Mayor

ATTEST:

Rene Cranis, City Clerk