

ORDINANCE NO. 21-888

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING SECTION 26-93, "EXCEPTIONS", OF ARTICLE IV, "NOISE", OF CHAPTER 26, "ENVIRONMENT", OF THE CODE OF ANNA MARIA BY THE ADDITION OF OBSERVED HOLIDAYS TO THE HOURS DURING WHICH USUAL NOISES OF CONSTRUCTION ON PRIVATE PROPERTY ARE PROHIBITED; AND BY PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND FOR EFFECTIVE DATE.

WHEREAS, construction activities have a significantly negative impact on the residents of, and visitors to, the City of Anna Maria in the immediate vicinity of the construction due to noise; and

WHEREAS, the City of Anna Maria finds that it is in the best interest of the City and its residents and visitors to balance the rights of persons conducting construction activities on private property in the City of Anna Maria with the rights of residents and visitors to be free of the negative impacts of construction activities; and

WHEREAS, this Ordinance is adopted under the City's police powers for the health, safety, and welfare of the City's residents and visitors.

NOW, THEREFORE, be it ordained by the City of Anna Maria that:

SECTION 1: The City Commission finds that the above "Whereas" clauses are true, and finds that the enactment of this ordinance is necessary to protect the health, safety and welfare of the citizens of Anna Maria and visitors to Anna Maria.

SECTION 2: Section 26-93, "Exceptions", of Article IV, "Noise", of Chapter 26, "Environment", of the Code of the City of Anna Maria, is hereby amended to read as follows:

Sec. 26-93. - Exceptions.

The following activities or sources are exempt from the requirements of this article:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.
- (2) Between the hours of 7:00 a.m. and 10:00 p.m., ceremonial or traditional activities or events, such as the sounding of church bells and the normal sounds of organized sporting and cultural events, but specifically not including amplified sounds played at volumes or vibrations that violate standards of this article.

(3) Operation of equipment or conduct of activities normal to residential communities as set forth herein:

	Description	Hours of Exception
a.	Lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, gardens, saws and tractors, street sweepers, tree trimming and limb chipping and other normal community operations	8:00 a.m. to 6:00 p.m.
b.	Operation of equipment for solid waste and recycling collection in or adjacent to residential uses	7:00 a.m. to 7:00 p.m.
c.	Operation of equipment for solid waste collection in nonresidential locations	7:00 a.m. to 7:00 p.m.
d.	Usual noises of construction and operation of construction equipment for construction on private property and delivery, collection and removal of construction dumpsters.	7:00 a.m. to 6:00 p.m., Monday through Friday; 10:00 a.m. to 6:00 p.m. on Saturday; NOTE: No noise allowed on Sundays and federal holidays as designated by the U.S. Office of Personnel Management. <u>For the purposes of this section, if any of these holidays falls on a Saturday, the preceding Friday shall also be observed as a holiday during which no noise is allowed. If any of these holidays falls on a Sunday, the following Monday shall also be observed as a holiday.</u>

SECTION 3. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

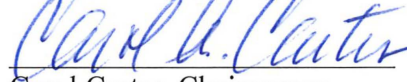
SECTION 4. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 5. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida,
in regular session assembled, this 24th day of June, 2021.

Carol Carter, Commissioner
Jonathan Crane, Commissioner
Doris Sebring, Commissioner
Mark Short, Commissioner
Joe Muscatello, Commissioner


Carol Carter, Chairperson

I hereby approve this Ordinance:



Dan Murphy, Mayor

June 28, 21, 2021

ATTEST:


LeAnne Addy, City Clerk

Approved as to form and legality for
the use and reliance of the City of
Anna Maria only


Gretchen R. H. "Becky" Vose
City Attorney