

ORDINANCE NO. 625

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 34 “NUISANCES”, ARTICLE I “IN GENERAL”, SECTION 34-8 “BUSINESS BY CONTRACTORS AND VENDORS ON SUNDAYS AND FEDERAL HOLIDAYS”, TO CLARIFY THE HOURS WHEN CONSTRUCTION MAY BE CONDUCTED; AMENDING ARTICLE II “NOISE”, DIVISION 3 “NOISE CONTROL STANDARDS”, SECTION 34-83 “CONSTRUCTION DURING CERTAIN HOURS, SUNDAYS, AND FEDERAL HOLIDAYS; PENALTIES”, TO REGULATE CONSTRUCTION HOURS ON SATURDAYS; ENACTING SECTION 34-97 “LAWN MAINTENANCE EQUIPMENT NOISE” TO SET FORTH THE TIME PERIODS THAT LAWN MAINTENANCE EQUIPMENT MAY BE OPERATED BY CONTRACTORS AND VENDORS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission wishes to provide regulations restricting construction activities and lawn maintenance activities after a certain hour on Saturdays and to provide for clarification regarding construction activities; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Chapter 34 “Nuisances”, Article I “In General”, Section 34-8 “Business by contractors and vendors on Sundays and federal holidays”, is hereby amended as follows:

Sec. 34-8. – Business by contractors and vendors, prohibited time periods ~~on Sundays and federal holidays.~~

It shall be unlawful for any contractor, vendor or other business enterprise to engage in or conduct any commercial or business activities within the town between the hours of 6:00 p.m. and 8:00 a.m. the following day on weekdays, or at any time on Saturdays, except between the hours of 8:00 a.m. and 1:00 p.m., on Sundays and the federal holidays of New Year's Day,

Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Notwithstanding the above, the following activities shall be permitted:

- (a) Activities conducted by a property owner or resident on his or her own property so long as such activity is in compliance with all other provisions of the town's Code of Ordinances and other applicable law;
- (b) Real estate open houses or the showing of real estate which is for sale or lease;
- (c) The engaging in of commercial or business activities by existing grandfathered commercial property in the normal course of their business.
- (d) Emergencies, such as, but not limited to, the repair of hot water heaters, A/C units, electrical issues, or requiring the work of public service utilities or necessary for personal health, safety and welfare or the protection of property.

SECTION 3 – Amendment: Chapter 34 “Nuisances”, Article II “Noise”, Division 3 “Noise Control Standards”, Section 34-83 “Construction during certain hours, Sundays, and federal holidays; penalties”, is hereby amended as follows:

Sec. 34-83. - Construction during certain hours, Saturdays, Sundays, and federal holidays; penalties.

It is unlawful for any person to operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work, or perform any activities on the site related to construction, drilling, repair, alteration or demolition work, between the hours of 6:00 p.m. and 8:00 a.m. the following day on weekdays, or at any time on Saturdays, except between the hours of 8:00 a.m. and 1:00 p.m., Sundays or certain federal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day), such that the sound therefrom creates a loud and raucous noise across a real property line or at any time violates the provisions of section 34-95 or 34-92, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the noise control officer or his designee, which permit may be granted for a period not to exceed three working days or less while the emergency or urgent necessity continues and which permit may be renewed for successive periods of three days or less while the emergency or urgent necessity continues or by variance issued pursuant to this article. This section shall not apply to the use of domestic power tools as specified in section 34-90.

~~In addition to the general penalty provisions of this Code of Ordinance violators of this section shall be subject to the following civil fines. Once a notice of violation has been given to a violator, a new and separate offense shall occur, each and every time the equipment is operated following the issuance of the notice of violation.~~

Violation	Fine
Warning	No fine
1st notice of violation	\$ 100.00

2nd notice of violation (within a 12-month period)	-200.00
3rd or more notice of violation (within a 12-month period)	-300.00

SECTION 4 – Amendment: Chapter 34 “Nuisances”, Article II “Noise”, Division 3 “Noise Control Standards”, is hereby amended by enacting Section 34-97 “Lawn maintenance equipment noise”, as follows:

Sec. 34-97. - Lawn maintenance equipment noise.

- (a) Operation of lawn maintenance equipment by contractors or vendors shall be limited to the hours outlined for construction work at Section 34-8, including the prohibitions stated therein. Nothing in this section shall preclude the operation of lawn maintenance equipment by residents in accordance with Section 34-90.
- (b) Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and monofilament line grass trimmers.

SECTION 5 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 6 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 7 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 8 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this 15th day of August, 2017.

SECOND AND FINAL READING this 26th day of September, 2017.

Commissioner Bonfiglio offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner Coz and upon being put to a vote, the vote was as follows:

GEOFFREY A. PUGH, Mayor

Yea

JAMES A. BONFIGLIO, Vice Mayor

Yea

GAIL ADAMS AASKOV, Commissioner

Yea

STEVE COZ, Commissioner

Yea

DON MAGRUDER, Commissioner

Yea

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 26th day of September, 2017.

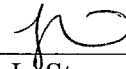
TOWN OF OCEAN RIDGE, FLORIDA

BY:



Geoffrey A. Pugh, Mayor

ATTEST:



Tracey L. Stevens, Town Clerk