

ORDINANCE 2023-17

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II REGARDING NUISANCES TO ADD SECTIONS 38-45 THROUGH 38-48 CONSTRUCTION NOISE; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 38, Article II of the City Code prohibits certain activities that constitute a nuisance to the quiet enjoyment of citizens and visitors to the City of Belleview; and

WHEREAS, the City Commission finds that excessive construction noise disturbs the quiet enjoyment of residential property; and

WHEREAS, the City Commission finds that providing the citizens and visitors to the city a respite from such noise on one day of the week will promote the public welfare by providing an opportunity for peaceful family time and relaxation; and

WHEREAS, the City Commission finds it is in the public interest to limit loud construction noise, which disturbs the quiet enjoyment of neighboring residential property; and

WHEREAS, the City Commission finds that it is in the best interest of the public welfare to amend Chapter 38, Article II of the City Code to prohibit such excessive noise.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview, Florida that Chapter 38, Article II of the City Code shall be amended to include Sections 38-45 - 48 which shall read as follows:

Section 1.

“Chapter 38. ENVIRONMENT.

Article III. CONSTRUCTION NOISE.

Sec. 38-45. Purpose.

The purpose of this article is to lawfully protect, promote, and preserve the public health, welfare, safety, and quality of life within the city through the reduction, control, and prevention

of unreasonably excessive construction noise. In pursuance of this purpose, the city intends for this article to appropriately:

- (1) Control the level of noise in the city in a manner that promotes the use, value, and enjoyment of property to include sleep and repose, quiet enjoyment, commerce, and the quality of the environment.
- (2) Recognize that many people wish or need to engage in various activities that will, even when caution is exercised, produce noise, and that noise level restrictions need to be compatible with the normal activities of the particular environment.
- (3) Balance the rights of those citizens who only wish to enjoy the quiet repose of their home or property with those who wish to engage in activities that may result in the production of some noise.

Sec. 38-46. Excessive Construction Noise Prohibited.

- (a) It shall be unlawful for any contractor or company doing construction work for which a building permit is required to knowingly or intentionally make, continue, permit, or cause any construction noise within the city other than during the hours set forth in Section 38-47 herein-below.
- (b) It shall be presumed that a person knowingly or intentionally violated the requirements of this section when that person has been notified by an officer of the violation and requested to conform to this section's requirement and subsequently fails to comply with the requirements of this section despite the warning.

Sec. 38-47. Exceptions:

The prohibition of excessive construction noise shall not apply to:

- (1) The operation of noise-producing lawn mowers, lawn edger's, weed trimmers, blowers, chippers, chain saws, power tools, and other noise-producing tools which are used to maintain real property between sunrise and sunset on any day of any week;
- (2) Road or utility construction or maintenance that is performed by or on behalf of any governmental entity or utility; and
- (3) The conduct of any permitted construction activities Monday through Saturday. Permitted construction is prohibited on Sundays.
- (4) Emergency construction or repairs including damage from natural disasters and storms, such as hurricanes and tornados.

Sec. 38-48. Enforcement.

Any person violating any of the prohibitions of this article shall be subject to a code enforcement fines imposed not to exceed \$250.00 for a first violation and shall not exceed \$500.00 for a repeat violation within 365 days of a prior violation.”

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are to the extent of such conflict repealed.

Section 3. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Belleview, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

Section 4. This Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon **First Reading** by a _____ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on October 17, 2023. Said ordinance was duly read, passed, and adopted upon **Final Reading** by a _____ vote of the City Commission of the City of Belleview, Florida at a Public Hearing held on November 7, 2023.

CHRISTINE DOBKOWSKI
Mayor

Attest:

MARIAH MOODY
City Clerk

Approved as to form and legal sufficiency only
for the use and benefit of the City of Belleview:

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that the foregoing Ordinance was advertised for a Public Hearing in the October 26, 2023 edition of the Voice of South Marion newspaper in accordance with Florida Statutes.

Mariah Moody
City Clerk