

**GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 406.95**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA; AMENDING CHAPTER 14, ARTICLE III OF THE TOWN CODE OF ORDINANCES REGARDING NOISE REGULATION; AMENDING SECTIONS 14-79 "HOURS OF OPERATION OF SOUND MAKING DEVICES" AND 14-84 "CONSTRUCTION SOUNDS"; EXTENDING THE PROHIBITIONS AGAINST NOISE ON SATURDAY, SUNDAY, AND LEGAL HOLIDAY MORNINGS; CREATING SUBSECTION 14-86 REGULATING OUTDOOR SOUNDS OF "LAWN MOWERS AND POWER TOOLS" ON SATURDAY, SUNDAY AND LEGAL HOLIDAY MORNINGS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter XIV of the Town Code regulates noise; and

WHEREAS, the Town Council desires to amend the regulations regarding weekend noise and noise in the weekday, particularly in the morning hours;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

**Section 1.** That Chapter 14, Article III of the Town Code is hereby amended to provide as follows:

**"CHAPTER 14:**

**ENVIRONMENT**

• • •

**ARTICLE III • NOISE**

**DIVISION 1. GENERALLY**

• • •

**SEC. 14-79 HOURS OF OPERATION OF SOUND-MAKING DEVICES.**

It shall be unlawful for any person to cause or allow the playing or operating of music boxes, juke boxes, radios, musical instruments, or any other musical devices on or about the premises between the hours of 12:00 midnight (10:00 p.m. for

public property) and 8:00 a.m. the following day; except when the following day is Saturday, Sunday, or legal holiday then the restricted hours shall be extended to 10:00 a.m.; unless such music boxes, juke boxes, radios, musical instruments, and other devices are played or operated in a closed building and the sound is not audible from outside the building so as to disturb the quiet, comfort, or repose of persons in any dwelling.

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**SEC. 14-84 CONSTRUCTION SOUNDS.**

It shall be unlawful to conduct any demolition, construction or renovation activity during the weekends and legal holidays which creates or causes noise or vibration disturbing to a neighbor or other resident.

It shall be unlawful for any person in conducting any building operations between the hours of 6:00 p.m. and 8:00 a.m. the following day to operate or use any equipment and tools including but not limited to a pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, other tools (including hand tools), or any other apparatus, the use of which is attended by loud or unusual noise, so as to disturb neighbors or other residents, except by written permission of the Town Manager, and then only in case of emergency.

It shall also be unlawful for any person in conducting any building operations between the hours of 6:00 p.m. and 8:00 a.m. the following day to operate or use any tools, equipment, generators, vehicles, bulldozers, pile drivers, cranes, backhoes, tractors or any other apparatus so as to disturb a neighbor or other resident.

**SEC. 14-86 LAWN MOWERS AND POWER TOOLS.**

It shall be unlawful for any person to operate any power lawn mower or power tools for landscaping purposes outside an enclosed building between the hours of 8:00 p.m. and 8:00 a.m. the following day except when the following day is Sunday, then the restricted hours shall be extended to 10:00 a.m.

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**Section 2. Severability** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 3. Inclusion In The Code.** That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered of relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 4. Effective Date.** That this Ordinance shall become effective immediately upon its adoption on second reading.

PASSED AND ADOPTED on first reading this 16th day of MAY,  
1995.

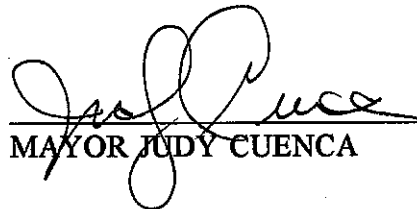
The Motion to adopt the foregoing Ordinance on first reading was offered by  
VICE MAYOR LOWRANCE, seconded by COUNCILMAN ROSENTHAL and on roll call the  
following vote ensued:

|                      |            |
|----------------------|------------|
| Mayor Cuenca         | <u>AYE</u> |
| Vice Mayor Lowrance  | <u>AYE</u> |
| Councilman Addicott  | <u>AYE</u> |
| Councilman Fistel    | <u>AYE</u> |
| Councilman Rosenthal | <u>AYE</u> |

PASSED AND ADOPTED on second reading this 20th day of JUNE,  
1995.

The Motion to adopt the foregoing Ordinance on second reading was offered by  
VICE MAYOR LOWRANCE, seconded by COUNCILMAN FISTEL and on roll call the  
following vote ensued:

|                      |               |
|----------------------|---------------|
| Mayor Cuenca         | <u>AYE</u>    |
| Vice Mayor Lowrance  | <u>AYE</u>    |
| Councilman Addicott  | <u>ABSENT</u> |
| Councilman Fistel    | <u>AYE</u>    |
| Councilman Rosenthal | <u>ABSENT</u> |

  
MAYOR JUDY CUENCA

ATTEST:

  
TOWN CLERK/DEPUTY TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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JON M. HENNING  
TOWN ATTORNEY