

ORDINANCE NO. 440

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 18, ENVIRONMENT, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING SUBSECTION (1) OF SECTION 18-29, PROHIBITED ACTS, BY CLARIFYING THAT THE PROHIBITION AGAINST COMMERCIAL, INDUSTRIAL AND MANUFACTURING NOISE DURING CERTAIN HOURS ALSO APPLIES TO CONSTRUCTION ACTIVITIES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town of Haverhill, Florida 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 Council desires to amend its Nuisance Ordinance by clarifying that the prohibition against commercial, industrial and manufacturing noise applies to construction activities; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council finds that this Ordinance is consistent with the requirements of the Comprehensive Plan and Zoning Code; and

WHEREAS, the notice and hearing requirements of the Code and Florida law have been met for adoption of this Ordinance; and

WHEREAS, the Town Council has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

Section 1. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Code Amendments. Subsection (1) of Section 18-29 of Chapter 18, Environment, is hereby amended as follows:

Section 18-29. Prohibited Acts

Commercial, industrial and manufacturing noise. It shall be unlawful for any commercial, industrial or manufacturing activities, including construction, home improvement or

~~remodeling activities~~, to be conducted within the town in such a manner that the noise resulting from such activity may be heard beyond the premises where such activity is conducted between the hours of 8:00 p.m. and 8:00 a.m. Without limiting the provisions of this subsection, this prohibition shall apply to any noises caused, directly or indirectly, by internal combustion engines, electric motors, power tools, fans or blowers, noise due to explosion of operating gases or fluids or noises attributable to piledrivers, steam shovels, pneumatic hammers and other tools, derricks, steam or electric hoists or other appliances, when such noise is related directly to commercial, industrial or manufacturing activities.

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED ON FIRST READING this 17th day of November, 2016.

THE SECOND AND FINAL READING was held this 15th day of December, 2016. Council member Uptegraph offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member Gordon, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTEGRAPH, Council Member
JO H. PLYLER, Council Member
REMAR HARVIN, Council Member

Aye
Aye
Aye
Aye
Aye

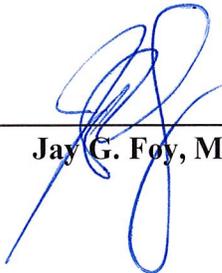
The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA



Janice C. Rutan, Town Admin.



Jay G. Foy, Mayor