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ORDINANCE NO. 2018-02

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING CHAPTER 7 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" BY SPECIFICALLY AMENDING SECTION 7-93 ENTITLED "LOUD AND UNNECESSARY NOISES", BY AMENDING THE TIME THAT LOUD AND UNNECESSARY NOISES ARE CONSIDERED UNLAWFUL; PROVIDING FOR THE CREATION OF SUBSECTION (C) PROVIDING FOR LAWN MAINTENANCE EQUIPMENT NOISE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission finds that the quality of life enjoyed by residents of Hillsboro Beach is adversely affected by the noise generated by lawn maintenance equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clause are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Chapter 7 of the Code of Ordinances entitled "Offenses and Miscellaneous Provisions" is amended and shall read as follows:

Sec. 7-93. - Loud and unnecessary noises.

(A) It shall be unlawful to create, maintain or otherwise cause any unreasonably loud, disturbing and unnecessary noises of such character, intensity and duration as to disturb the public peace and welfare and otherwise be detrimental to the life and health of any individual, within the limits of the town, between the hours of 11:00 p.m. and 8:00 a.m. of the following morning.

(B) Any person or corporation violating this section for the first time shall be fined not less than \$100.00, and subsequent violations shall be fined \$500.00 for each violation, and a separate offense shall be deemed committed on each day during or on which a violation occurs.

(C) Lawn Maintenance Equipment noise.

(1) Operation of lawn maintenance equipment shall be limited to the hours of 8:00 am and 4:00 pm Monday through Friday and prohibited on Sundays and all legal holidays. Lawn Maintenance Equipment may be used on Saturdays from 9:00 a.m. to 1:00 p.m. only.

(2) 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.

(3) Lawn Maintenance Equipment shall not exceed a decibel level of 65 dBA as measured at 75 feet from the point of operation.

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Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Town Commission of the Town of Hillsboro Beach, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 6. This Ordinance shall be effective immediately upon passage and adoption by the Town Commission of the Town of Hillsboro Beach.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 3RD DAY OF APRIL, 2018.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 1st DAY OF MAY, 2018.

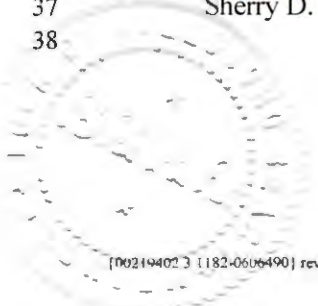
TOWN OF HILLSBORO BEACH, FLORIDA

By: *Deborah L. Tarrant*
Deborah L. Tarrant, Mayor

By: *[Signature]*
Donald J. Doody, Town Attorney



ATTEST:
By: *[Signature]*
Sherry D. Henderson, CMC



SUN SENTINEL

Published Daily

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Boca Raton, Palm Beach County, Florida

Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared MARK KUZNITZ who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a NOTICE OF PUBLIC HEARING in the Matter of THE TOWN OF HILLSBORO BEACH - 2ND READING LAWN MAINTENANCE EQUIPMENT NOISE NOTICE appeared in the paper on APRIL 21, 2018 AD# 5573589

Affiant further says that the said Sun-Sentinel Said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of she has neither paid, nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Mark Kuznitz

Mark Kuznitz, Affiant

Sworn to and subscribed before me on

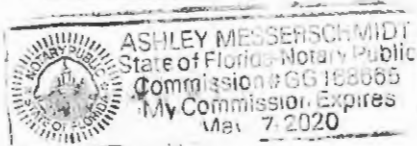
APRIL 23, 2018 A.D.

[Signature]

(Signature of Notary Public)

(Name of Notary typed, printed or stamped)

Personally Known or Produced Identification _____



PLACE COPY OF LEGAL NOTICE HERE



Lawn Maintenance Equipment Noise

Notice is hereby given that prior to the Town Commission's consideration of the **Second Reading** of Ordinance 2018-02, a Public Hearing will be held on Tuesday, May 1, 2018 at 9:00 a.m. in the Town Hall, located at 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.

TOWN OF HILLSBORO BEACH, FLORIDA

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING CHAPTER 7 ENTITLED "OFFENSES AND MISCELLANEDUS PROVISIONS" BY SPECIFICALLY AMENDING SECTION 7-93 ENTITLED "LOUD AND UNNECESSARY NOISES", BY AMENDING THE TIME THAT LOUD AND UNNECESSARY NOISES ARE CONSIDERED UNLAWFUL; PROVIDING FOR THE CREATION OF SUBSECTION (C) PROVIDING FOR LAWN MAINTENANCE EQUIPMENT NOISE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at said meeting and be heard with respect to the proposed Ordinance, which may be inspected by the public in the Office of The Town Clerk, Town Hall, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062
PUBLISHED APRIL 21, 2018