

ORDINANCE NO. 2020- 04

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 4 ENTITLED "BUILDINGS AND BUILDING REGULATIONS", BY SPECIFICALLY AMENDING SECTION 4-18 ENTITLED "LIMITATION ON HOURS OF CONSTRUCTION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has determined that it is in the Town's best interest to amend the hours of construction during off-season to enhance and protect the quality of life enjoyed by the residents of the Town of Hillsboro Beach;

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

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

**Section 2.** Chapter 4 of the Code of Ordinances is hereby amended by specifically amending Section 4-18 entitled "Limitation on hours of construction." which shall read as follows:

**Sec. 4-18. - Limitation on hours of construction.**

(A) It shall be unlawful for any person to perform labor or work, or to operate or conduct any construction enterprise in the town on new construction or remodeling of present improvements, except between the hours of 8:00 a.m. to 6:00 p.m. on weekdays only. For minor remodeling or repair work conducted on the interior of a residential enclosed structure, the work may be conducted on weekends in residential units during the same time limitations set forth hereinabove so long as where the location or sites of the work are not so close to inhabited domiciles, apartments or hotels that the noise emanating from the operation of the minor remodeling or repair work shall disturb or is detrimental to the health, business and quiet enjoyment of any occupant or neighbor thereof. No construction activity of any nature shall take place in the town on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day.

(B) In the event any emergency exists or conditions with reference to the operation of any such business or enterprise are such that it would be unjust and inequitable for the same not to be operated during the prohibited hours, upon application made to the Town Manager and after an investigation has been made, the Town Manager may issue a permit authorizing the operation of the construction for a limited period of time.

1 (C) It is the purpose and intention of this provision to include all types of construction work on any and  
2 all types of improvements. Its terms shall include seawalls, bridges, boats, docks, buildings of every  
3 nature and kind.

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

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

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

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16 **Section 6.** This Ordinance shall be effective fifteen (15) days after its passage and adoption  
17 by the Town Commission of the Town of Hillsboro Beach.

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20 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO  
21 BEACH, FLORIDA, ON FIRST READING, THIS 2<sup>nd</sup> DAY OF JUNE 2020.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,  
FLORIDA, ON SECOND AND FINAL READING, THIS 7<sup>th</sup> DAY OF JULY, 2020.

22  
23  
24  
25 By: Deborah L. Tarrant  
26 Deborah L. Tarrant, Mayor

27 ATTEST:

28  
29 By: Sherry D. Henderson  
30 Sherry D. Henderson, CMC Town Clerk

31  
32 APPROVED AS TO FORM:

33 Donald J. Doody  
34 Donald J. Doody, Town Attorney

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RECORD OF TOWN COMMISSION VOTE:

	<u>YES</u>	<u>NO</u>
MAYOR D. TARRANT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR I. KIRDAHY      Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER V. FEAMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER B. BALDASARRE   Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER A. BROWN	<input checked="" type="checkbox"/>	<input type="checkbox"/>