

1
2 **ORDINANCE NO. 06-05**

3
4 **AN ORDINANCE OF THE MAYOR AND VILLAGE**
5 **COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
6 **FLORIDA, RELATING TO NOISE; AMENDING CHAPTER**
7 **_____ OF THE CODE OF ORDINANCES ENTITLED**
8 **“NOISES” AMENDING THE ACCEPTABLE AMBIENT**
9 **NOISE LEVEL FOR EMERGENCY GENERATORS;**
10 **PROVIDING FOR ORDINANCES IN CONFLICT,**
11 **CODIFICATION, SEVERABILITY AND AN EFFECTIVE**
12 **DATE.**

13
14
15 **WHEREAS,** the Mayor and Village Council of the Village of Palmetto
16 Bay (hereinafter “Village”) are concerned with the general health, safety and
17 welfare of its residents and finds that excessive sound constitutes a serious hazard
18 to the quality of life within the Village; and

19
20 **WHEREAS,** the residents of the Village have a right to and should be
21 insured of an environment free from any excessive sound that may jeopardize their
22 health, welfare and safety and degrade their quality of life; and

23
24 **WHEREAS,** the Mayor and Village Council seek to improve the quality of
25 life in the Village by creating an enforceable noise ordinance that provides for the
26 objective measurement of sound with the use of a decibel meter and an
27 enforcement system for uniform implementation; and

28
29 **WHEREAS,** upon initial enactment, the noise ordinance provided for an
30 emergency generator decibel level that cannot be met by current portable or
31 permanent generators, thus requiring the Village to modify the generator noise
32 level requirements; and

33
34 **WHEREAS,** the Mayor and Village Council desire to amend its noise
35 ordinance.

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38 **BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF**
39 **THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

1
2 **Section 1.** Chapter ___ of the Code of Ordinances of the Village of
3 Palmetto Bay, entitled "Noises" is amended as follows:

4
5 Chapter ___

6
7 NOISES

8 * * *

9 Sec. __.05. Specific prohibitions against different types of noises.

10
11 In addition to the general prohibitions set out above and the maximum
12 permissible sound levels set out in Table 1, and unless otherwise exempted by this
13 article or by act of the Village, the following specific acts, or the causing or
14 permitting thereof, are hereby declared to be in violation of this chapter:

15
16 * * *

17
18 (Q) *Generators.* Emergency generators installed in all residential
19 districts shall be exempt from the sound levels set forth in Table 1 when operated
20 during power outages; ~~provided however, in no event shall the sound level~~
21 ~~exceed 72dBA.~~ Generators in all residential districts may be operated for testing
22 purposes one time for a period not to exceed 30 minutes in any 7-day period.
23 Testing of generators in all residential districts is permitted between the hours of
24 11 a.m. through 5 p.m., Monday through Saturday. No testing of generators in any
25 residential district is permitted on Sundays or Village recognized holidays.

26
27 * * *

28
29 **Section 2.** All ordinances or parts of ordinances in conflict with the
30 provisions of this ordinance are repealed.

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32 **Section 3.** This ordinance shall be codified and included in the code of
33 ordinances.

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35 **Section 4.** If any section, clause, sentence, or phrase of this ordinance is
36 for any reason held invalid or unconstitutional by a court of competent
37 jurisdiction, the holding shall not affect the validity of the remaining portions of
38 this ordinance.

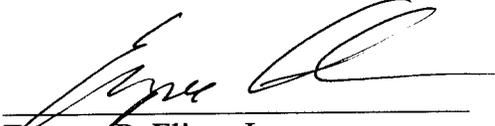
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Section 5. This ordinance shall take effect immediately upon enactment.

PASSED AND ENACTED this 3 day of April, 2006.

1st Reading: March 6, 2006
2nd Reading: April 3, 2006

Attest: 
Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.,
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>YES</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>