

ORDINANCE NO. 95-09

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA ADOPTING A NEW ARTICLE III OF CHAPTER 51 OF CODE OF ORDINANCES OF THE CITY OF OCOEE RELATING TO LIMITATIONS ON CONSTRUCTION AND CONSTRUCTION RELATED ACTIVITIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR LIMITATIONS ON THE HOURS AND DAYS OF CONSTRUCTION AND CONSTRUCTION RELATED ACTIVITIES WITHIN RESIDENTIAL ZONES AND WITHIN FIVE HUNDRED FEET OF RESIDENTIAL ZONES; PROVIDING FOR STATES OF EMERGENCY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Ocoee is one of the fastest growing cities in the State of Florida; and

WHEREAS, the City Commission of the City of Ocoee desires to limit the noise generated by construction and construction related activities to specific hours, within residential zones and within five hundred feet (500') of any residential zones, in order to maintain a high quality of life for its citizens; and

WHEREAS, the weekday hours between 9:00 p.m. and 7:00 a.m. Monday through Saturday, and Sundays and certain holidays have been set aside by the City Commission to preserve the public peace, order, and quiet of the City of Ocoee.

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF THE CITY OF OCOEE. FLORIDA AS FOLLOWS:

SECTION 1. The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2. A new Article III of Chapter 51 of the Code of Ordinances of the City of Ocoee, Florida is hereby adopted and reads as follows:

ARTICLE III

**LIMITATIONS ON CONSTRUCTION AND
CONSTRUCTION RELATED ACTIVITIES**

SECTION 51-50. DEFINITIONS.

For the purpose of this article, the following terms shall have meanings set forth in this section:

A. Commercial Zones shall mean all those districts presently and hereinafter zoned for commercial and professional uses, including but not limited to Planned Unit Development - Commercial.

B. Emergency means any occurrence, or threat thereof, whether natural, technological, or man-made, in war or in peace, which

C. Industrial Zones shall mean all those districts presently and hereafter zoned for industrial uses, including but not limited to Planned Unit Development - Industrial.

SECTION 51-51. LIMITATIONS ON CONSTRUCTION AND CONSTRUCTION RELATED ACTIVITIES.

Except as provided in Sections 51-52 and 51-53 hereof, no construction or construction related activities shall occur within any residential zones or in any commercial zones or industrial zones located within five hundred feet (500') of any residential zones (1) between the hours 9:00 p.m. and 7:00 a.m., Monday through Saturday, (2) on Sundays, and (3) on the following holidays: New Year's Day, Easter, Memorial Day, Labor Day, Independence Day, Thanksgiving, and Christmas. For the purposes of this Article, construction and construction related activities include, but are not limited to, land clearing, demolition of a structure or building, construction of a structure or building, and the use of any tool, equipment, motorized devices, manually operated devices or hand powered devices to accomplish the foregoing.

SECTION 51-52. STATES OF EMERGENCY.

A. The holder of a building permit may request that the Building Official declare the existence of an emergency situation

construction and construction related activities are required, the nature of the emergency, and the specific construction and construction related activities to be conducted. Based upon such application, the Building Official may declare the existence of any emergency situation and issue a building permit authorizing construction and construction related activities during the times otherwise prohibited by Section 51-51 above. The time period covered by the Building Official's emergency declaration shall be the minimum necessary to safeguard the public's health, safety, and welfare.

B. The provisions of this Article shall be automatically suspended during any time that the Governor of the State of Florida has declared that a state of emergency exists within the corporate limits of the City.

C. For the purposes of this Article, the City Manager may declare that a state of emergency exists within the corporate limits of the City in which case the provisions of this Article shall be automatically suspended during such state of emergency; provided, however, that any such state of emergency shall extend no longer than thirty (30) days unless extended by a majority vote of the City Commission.

SECTION 51-53. EXEMPTIONS.

Non-recurring, routine, or minor household maintenance and activities not requiring a building permit within residential zones are exempt from the provisions of this Article.

SECTION 51-54. ENFORCEMENT.

The Building Official shall be empowered to issue an order halting all construction and construction related activities in violation of this Article. Any disputes regarding compliance with this Article shall result in presentation of a violation to the Code Enforcement Board pursuant to Chapter 7 of the Code of Ordinances of the City of Ocoee.

SECTION 3. 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 portion hereby.

SECTION 4. CODIFICATION. It is the intention of the City Commission of the City of Ocoee that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances

to "chapter", "article", "section" or other such appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction or typographical errors which do not effect the intent may be authorized by the City Manager, without need for a public hearing, by filing a corrected or recodified copy of the same with the City Clerk.

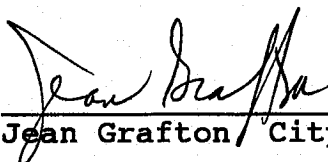
SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage and adoption.

PASSES AND ADOPTED this 21st day of MARCH, 1995.

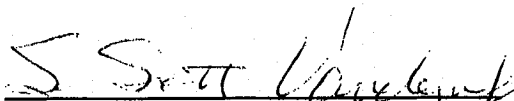
APPROVED:

ATTEST:

CITY OF OCOEE, FLORIDA



Jean Grafton, City Clerk



S. Scott Vandergrift, Mayor

(SEAL)

ADVERTISED March 9, 1995
READ FIRST TIME March 7, 1995
READ SECOND TIME AND ADOPTED
MARCH 21, 1995
UNDER AGENDA ITEM NO. VB

FOR USE AND RELIANCE ONLY BY
CITY OF OCOEE, FLORIDA APPROVED
AS TO FORM AND LEGALITY this
21 day of March 1995.