

**ORDINANCE #2011- 01**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CITY OF DORAL CODE SECTION 26-128(13) REGARDING NOISE REGULATIONS WITH RESPECT TO CONSTRUCTION ACTIVITIES IN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Doral (the "City") regulates noise generating activities within the boundaries of the City through Chapter 26, Articles V of the City Code; and

WHEREAS, Section 26-128(13) of the City Code specifically regulates the hours during which construction activities in the City are permitted to generate noise in the respective zoning districts; and

WHEREAS, the City Council of the City of Doral finds that the current noise regulations, as applied in non-residential areas of the City, may unnecessarily restrict construction activities that are important to the continued vitality of the economic base of the City; and

WHEREAS, in order to accomplish more appropriate noise restrictions for construction activity in the City, the City Council desires for the noise restrictions set forth in the Code to be amended; and

WHEREAS, the Mayor and City Council through the adoption of this ordinance seek to promote and protect the public health, safety, and welfare for all of the City of Doral;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing recitals are hereby incorporated by reference and made a part hereof.

Section 2. Section 26-128(13) of the City Code of the City of Doral is hereby amended to read as follows:

\* \* \* \* \*

(13) Construction. This section shall not be construed to prohibit construction work that does not generate noise. It is intended solely to regulate the noise generated by construction activities.

- a. DEFINITIONS:
  - i. CONSTRUCTION shall have the same meaning as given that term in the Florida Building Code (2007), as the same may be amended from time to time.
  - ii. ADJACENT means any receiving property separated by a street, alley, canal, and/or easement which is touched by a line drawn perpendicular from any portion of the property generating the sound.

Construction shall be permitted only during the hours set forth herein. All equipment shall be operated in accordance with manufacturer's specifications, shall be in good repair and shall utilize all noise baffling methods as specified by the manufacturer, such activities shall occur only as follows:

- b. Between the hours of 6:00 a.m. and 7:00 p.m. seven days a week in areas zoned as business, industrial, or non-residential, except as provided in subsection 13(c) of this section.
- c. Between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on Saturdays in areas zoned as residential, or in areas zoned business, industrial or non-residential where one or more of the property lines for the property on which the construction activity is occurring directly abuts or is adjacent to a residentially zoned property which is in fact being utilized for residential purposes. No construction shall be permitted on Sundays or on national holidays.
- d. Notwithstanding the provisions set forth in this subsection 13, the Building Official may authorize, in writing and in advance,

any construction activity at a particular site within subsection 13(b) of this section at times outside of the allowable times up to the duration of the project.

- e. Under emergency circumstances only, the Building Official may authorize, in writing and in advance, any necessary construction activities outside of the allowable times on weekdays and Saturday abutting an occupied site within subsection 13(c) of this subsection. Such authorizations may be granted for a period of time not to exceed 72 consecutive hours following the regular allowable time. Notwithstanding this subsection with respect to work on adjacent properties the Building Official may authorize work outside of the allowable times on any day except Sundays.

The work authorized by the Building Official pursuant to this subsection may be conditioned upon notice to surrounding property owners and tenants. Any approvals granted pursuant to this subsection will not be interpreted as constituting compliance for any violation of this section that occurred prior to the issuance of the written approval. The work authorization may be revoked at the discretion of the Building Official at any time.

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Section 3. Severability. If any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. All ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Inclusion in Code. It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a

part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor DiPietro, who moved its adoption.

The motion was seconded by Councilwoman Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED upon first reading the 12<sup>th</sup> day of January, 2011.

PASSED AND ADOPTED upon second reading the 9<sup>th</sup> day of February, 2011.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
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BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE SOLE USE OF THE CITY OF DORAL:

  
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JIMMY L. MORALES, CITY ATTORNEY