

ORDINANCE NO. 07-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV – (NOISE CONTROL) OF THE LAKE PARK CODE, PROVIDING REVISIONS TO SECTION 10-155, TABLE 1 NOISE LEVELS BY LAND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statute; and

WHEREAS, the Town staff has recommended to the Town Commission that Chapter 10, Article IV be revised; and

WHEREAS, the Town Commission of the Town of Lake Park, Florida has determined a need to update and revise the provisions of the Town Code relating to Noise Control; and

WHEREAS, the Town Commission finds that the Ordinance will promote the health, safety and welfare of the citizens of the Town by providing for revised decibel levels and additional requirements;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 10, Article IV, Section 10-155 is hereby amended to change the daytime hours and correct the receiving land use designation titles as follows:

ARTICLE IV. – NOISE CONTROL

No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

Table 1 Sound Levels by Receiving Land Use

Receiving Land Use	Time	Sound Level Limit dBA
Agricultural <u>Conservation</u>	6:00 a.m. – 7:00 p.m. 7:00 p.m. – 6:00 a.m.	55 50
Residential	7:00 a.m. – 7 10:00 p.m. 7 10:00 p.m. – 7:00 a.m.	55 50
Residential/Office <u>Commercial/Residential and Downtown</u>	7:00 a.m. – 7 10:00 p.m. 10 7:00 p.m. – 7:00 a.m.	55 50
Office/Business <u>Commercial</u>	At all times	60
Industrial/Utilities <u>Commercial/Light Industrial</u>	At all times	65
Community Facilities <u>Public Buildings/Grounds and Other Public Facilities</u>	7:00 a.m. – 10:00 p.m.	60
Recreation/Open Space/Commercial Recreation <u>Recreation and Open Space</u>	10:00 p.m. – 7:00 a.m.	55

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 portions thereof.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 4 day of April, 2012, the foregoing Ordinance, was offered by Commissioner Stevens who moved its approval. The motion was seconded by Vice-Mayor Rumsey and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>✓</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>✓</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>✓</u>	_____
COMMISSIONER JEANINE LONGTIN	_____	<u>✓</u>
COMMISSIONER TIM STEVENS	<u>✓</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 15 DAY OF April, 2012

Upon Second Reading this 2 day of May, 2012, the foregoing Ordinance, was offered by Commissioner Hockman who moved its adoption. The motion was seconded by Commissioner Stevens and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>✓</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>✓</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>✓</u>	_____
COMMISSIONER JEANINE LONGTIN	_____	<u>✓</u>
COMMISSIONER TIM STEVENS	<u>✓</u>	_____

The Mayor thereupon declared **Ordinance No. 07-2012** duly passed and adopted this 2 day of May, 2012.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Lemley
Town Clerk, Vivian Lemley
(Town Seal)



Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird