

**ORDINANCE 01-2016**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV, SECTION 10-155(4) OF THE TOWN CODE, PERTAINING TO EXEMPTIONS FROM SOUND REGULATIONS; 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

**WHEREAS**, the Town staff has recommended to the Town Commission that the exemptions contained in Chapter 10, Article IV, Section 10-155(4) of the Town Code be revised; and

**WHEREAS**, the Town Commission finds that the amendment contained to Section 10155(4) of the Town Code will promote the health, safety and welfare of the residents and visitors of the Town;

**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(4) is hereby amended as follows:

**ARTICLE IV. - NOISE CONTROL**

**Sec. 10-155. - Exemptions.**

The following shall be exempted from the standards of this section:

(1) Sound emitted from the operation of motor vehicles legally operating on any public right-of-way, which are regulated by F.S. Ch. 316, the Uniform Traffic Control Law.

(2) Any noise generated by activities to the extent such activities are preempted by applicable state or federal laws or regulations.

(3) Any noise generated as a result of emergency work, as a danger-warning device, or for the purpose of alerting persons to the existence of any emergency.

(4) Any noise generated by any event which is a town-sponsored event or is an event that has been granted a special event permit by the town whether conducted on public lands or privately-owned lands. Such events must be open to the public in order to be exempted from the requirements of this Article. Events that regulate admission to them, by the use of gates or other means of limiting admission, shall still be considered to be open to the public so long as the general public is invited to attend and may attend simply by paying an admission fee. Exemptions shall only apply until 9 pm, unless extended by the Town Commission.

(5) Any noise generated within any public right-of-way, including parades, pursuant to a special events permit.

(6) Non-amplified crowd noises at sporting events.

(7) Sound emitted from the operation of equipment associated with maintenance of public or private grounds when the equipment is utilized in the normal operation and operating hours of those grounds, provided the equipment is used only between the hours of 7:00 a.m. and 7:00 p.m. daily. All construction activities, including machinery and equipment such as chain saws, are not included within the exemption provided herein.

**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 6 day of January, 2016, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>Absent</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 10 DAY OF January, 2016**

Upon Second Reading this 20 day of January, 2016, the foregoing Ordinance, was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 01-2016 duly passed and adopted this 20 day of January, 2016.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois  
Mayor, James DuBois

ATTEST:

Vivian Mendez  
Town Clerk, Vivian Mendez  
(Town Seal)

SEAL  
LAKE PARK  
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird

**RECEIPT**

**LEGAL NOTICE OF  
PROPOSED ORDINANCE  
TOWN OF LAKE PARK**

Please take notice that on Wednesday, January 20, 2016 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

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If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida

PUB: The Palm Beach Post  
1-10/ 2016 #539546