



City of North Port

ORDINANCE NO. 2024-47

1 **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE**
 2 **CITY OF NORTH PORT, FLORIDA, CHAPTER 46, ARTICLE II, SECTION 46-45 REGARDING**
 3 **EXCEPTIONS TO NOISE VIOLATIONS; PROVIDING FOR FINDINGS; PROVIDING FOR**
 4 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND**
 5 **PROVIDING AN EFFECTIVE DATE.**
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 8 **WHEREAS**, the City Commission recognizes that excessive noises can degrade the quality of life, disturb
 9 the public peace, and jeopardize the health, safety, and welfare of the citizens of the City of North Port,
 10 Florida (the “City”); and
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12 **WHEREAS**, the City Commission recognizes that large construction and repair projects of public
 13 infrastructure can impact the roadway system resulting in increased travel times and the potential for
 14 additional conflicts between vehicular and pedestrian traffic during peak travel times; and
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16 **WHEREAS**, the City Commission recognizes the opportunity to reduce the impact on traffic if roadwork is
 17 completed during off peak travel times, including overnight and early mornings; and
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19 **WHEREAS**, the City's existing noise control language was developed over thirty-years ago and the purpose
 20 of this Ordinance is to amend the current regulations to outline the ability to address public infrastructure
 21 construction, repair, and maintenance outside of peak travel times; and
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23 **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare
 24 of the citizens of the City of North Port, Florida.
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26 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**
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28 **SECTION 1 – FINDINGS**
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- 30 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
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- 32 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business
 33 impact estimate on the City’s website on or before the date the newspaper published notice of
 34 this ordinance’s final reading.
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36 **SECTION 2 – ADOPTION**

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38 2.01 Chapter 46 of the Code of the City of North Port, Florida is hereby amended as follows:

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40 **“Chapter 46 – OFFENSES**

41 . . .

42 **ARTICLE II. – OFFENSES INVOLVING PUBLIC PEACE AND ORDER**

43 . . .

44 **DIVISION 2. – NOISE**

45 . . .

46 **Sec. 46-45. - Exceptions ~~by special permit.~~**

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48 (a) Special permit exception. Any person desiring to seek relief from any provision of this
49 division shall apply to the city commission for a special permit to cause or create noise at
50 levels which would otherwise be in violation of this division. Such permits shall be granted
51 only upon the showing of good cause therefor and shall specify the duration for which
52 such noncompliance shall be permitted and shall prescribe the conditions or
53 requirements necessary to minimize adverse effects upon the community or surrounding
54 neighborhood.

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56 (b) Emergency work exception. Noise created exclusively in the performance of emergency
57 work completed by the city or a city contractor in response to any infrastructure
58 emergency that if left unaddressed would impact the life, safety, or health of the
59 community including, but not limited to, disruption of water or sewer service, emergency
60 repairs to bridges and arterial and collector roadways are automatically exempt from the
61 provisions of this section. All exempt activity shall be confirmed via written approval from
62 the city manager.

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64 (c) Capital improvement plan exception. The following are automatically exempt from the
65 provisions of this section. All exempt activity shall be confirmed via written approval from
66 the city manager.

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68 (1) Planned construction work - Work completed as part of any project approved within
69 the city’s approved capital improvement plan including, but not limited to, the
70 construction, maintenance, or repair of any public utility, right-of-way, property, or
71 structure.

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73 (2) Solid waste collection - During City of North Port road construction, utility projects,
74 or capital repair projects which have anticipated impacts on travel times and roadway
75 conditions expected to last more than four (4) continuous days in duration, solid
76 waste collection vehicles are permitted to begin service collection to the residents
77 and business within the construction zone at 6:00 a.m. weekdays, weekends, and
78 holidays to help alleviate additional congestion within the construction zone area.”

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SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations are not intended to appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on December 10, 2024.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on January 28, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY