



# City of North Port

## ORDINANCE NO. 2024-47

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 46, ARTICLE II, SECTION 46-45 REGARDING EXCEPTIONS TO NOISE VIOLATIONS; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission recognizes that excessive noises can degrade the quality of life, disturb the public peace, and jeopardize the health, safety, and welfare of the citizens of the City of North Port, Florida (the "City"); and

**WHEREAS**, the City Commission recognizes that large construction and repair projects of public infrastructure can impact the roadway system resulting in increased travel times and the potential for additional conflicts between vehicular and pedestrian traffic during peak travel times; and

**WHEREAS**, the City Commission recognizes the opportunity to reduce the impact on traffic if roadwork is completed during off peak travel times, including overnight and early mornings; and

**WHEREAS**, the City's existing noise control language was developed over thirty-years ago and the purpose of this Ordinance is to amend the current regulations to outline the ability to address public infrastructure construction, repair, and maintenance outside of peak travel times; and

**WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

### **SECTION 1 – FINDINGS**

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City's website on or before the date the newspaper published notice of this ordinance's final reading.

**SECTION 2 – ADOPTION**

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

**“Chapter 46 – OFFENSES**

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

...

**DIVISION 2. – NOISE**

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

- (a) Special permit exception. Any person desiring to seek relief from any provision of this division shall apply to the city commission for a special permit to cause or create noise at levels which would otherwise be in violation of this division. Such permits shall be granted only upon the showing of good cause therefor and shall specify the duration for which such noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood.
- (b) Emergency work exception. Noise created exclusively in the performance of emergency work completed by the city or a city contractor in response to any infrastructure emergency that if left unaddressed would impact the life, safety, or health of the community including, but not limited to, disruption of water or sewer service, emergency repairs to bridges and arterial and collector roadways are automatically exempt from the provisions of this section. All exempt activity shall be confirmed via written approval from the city manager.
- (c) Capital improvement plan exception. The following are automatically exempt from the provisions of this section. All exempt activity shall be confirmed via written approval from the city manager.
  - (1) Planned construction work - Work completed as part of any project approved within the city’s approved capital improvement plan including, but not limited to, the construction, maintenance, or repair of any public utility, right-of-way, property, or structure.
  - (2) Solid waste collection - During City of North Port road construction, utility projects, or capital repair projects which have anticipated impacts on travel times and roadway conditions expected to last more than four (4) continuous days in duration, solid waste collection vehicles are permitted to begin service collection to the residents and business within the construction zone at 6:00 a.m. weekdays, weekends, and holidays to help alleviate additional congestion within the construction zone area.”

**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

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PHIL STOKES  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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MICHAEL GOLEN, CPM  
INTERIM CITY ATTORNEY