

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE VII ENTITLED "NOISES" BY SPECIFICALLY AMENDING SECTION 7-93 TO AMEND THE HOURS OF OPERATION OF LAWN MAINTENANCE EQUIPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Hillsboro Beach is predominately a residential community that enjoys a quality of life consistent with the residential character of the Town; and

WHEREAS, the Town Commission finds and determines that to maintain the quality of life enjoyed by the residents of the Town that any noise generated from any source which would disturb the public peace and welfare of the Town should be enforced on a twenty-four (24) hour basis; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Article VII entitled "Noises" of the Code of Ordinances is hereby amended as follows:

ARTICLE VII. - NOISES

Sec. 7-93. - Loud and unnecessary noises.

(A)It shall be unlawful to create, maintain or otherwise cause any unreasonably loud, disturbing and unnecessary noises of such character, intensity and duration as to disturb the public peace and welfare and otherwise be detrimental to the life and health of any individual, within the limits of the town.

(B)Any person or corporation violating this section shall be fined not less than \$100.00, and subsequent violations shall be fined \$500.00 for each violation, and a separate offense shall be deemed committed on each day during or on which a violation occurs.

(C)Landscape maintenance equipment noise.

1 (1) Operation of lawn maintenance equipment shall be limited to the hours of 8:00
2 am to 4 6:00 pm Monday through Friday and prohibited on Sundays and all legal
3 holidays. ~~Landscape maintenance equipment may be used on Saturdays from 9:00~~
4 ~~a.m. to 1:00 p.m. only.~~

5
6 (2) Landscape maintenance equipment includes but is not limited to lawn mowers,
7 edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and
8 monofilament line grass trimmers.

9
10 (3) Landscape maintenance equipment shall not exceed a decibel level of 65 dBA as
11 measured at 75 feet from the point of operation.

12
13 **Section 3.** If any section, subsection, sentence, clause or provision of this
14 Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such
15 invalidity.

16
17 **Section 4.** That all ordinances or parts of ordinances and all resolutions or parts
18 of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

19
20 **Section 5.** It is the intention of the Town Commission of the Town of Hillsboro
21 Beach, that the provisions of this Ordinance shall become and be made a part of the Code of
22 Ordinances of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be
23 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article,"
24 or such other word or phrase in order to accomplish such intention.

25
26 **Section 6.** This Ordinance shall be effective fifteen (15) days after its passage and
27 adoption by the Town Commission of the Town of Hillsboro Beach.

28
29 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO
30 BEACH, FLORIDA, ON FIRST READING, THIS ___ DAY OF ____, 2022.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,
FLORIDA, ON SECOND AND FINAL READING, THIS ___ DAY OF ____, 2022.

31
32 By: _____
33 Deborah L. Tarrant, Mayor

34 ATTEST:

35
36 By: _____
37 Sherry D. Henderson, CMC
38
39

1 APPROVED AS TO FORM:

2 _____
3 Donald J. Doody, Town Attorney

1 **ORDINANCE NO. 2022- 02**

2
3 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO
4 BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY
5 AMENDING ARTICLE VI ENTITLED "NUISANCES" BY SPECIFICALLY AMENDING
6 SECTION 6-132 ENTITLED "LANDSCAPING"; PROVIDING FOR A SUSPENSION IN
7 ENFORCEMENT IN AN EVENT OF AN EMERGENCY; PROVIDING FOR SEVERABILITY;
8 PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR
9 AN EFFECTIVE DATE.
10

11 **WHEREAS, the** Town of Hillsboro Beach is predominately a residential community
12 that enjoys a quality of life consistent with the residential character of the Town; and

13 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA**
14 **THAT:**

15 **Section 1.** The foregoing "Whereas" clause is hereby ratified and confirmed as being
16 true and correct and are hereby made a part of this Ordinance.
17

18 **Section 2.** Article VI entitled "Nuisances" of the Code of Ordinances is hereby
19 amended as follows:
20

21 **ARTICLE VI. – NUISANCES.**
22

23 **Sec. 6-132. - Landscaping.**

24 (A)All landscaping, including without limitation trees, shrubs, lawns, flower beds, walkways,
25 ground elevations and berms, shall be maintained in a neat, orderly and attractive manner,
26 including necessary irrigation, consistent with the general appearance of the developed portions
27 of the town. Trees and shrubs shall be regularly pruned and not be allowed to become overgrown.
28 Lawns shall be mowed on a regular basis as necessary by the conditions. No weeds, underbrush
29 or other unsightly growths shall be permitted to grow or remain upon any part of the property
30 and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain on any
31 property. Dead and/or diseased plant material shall be removed and replaced with a suitable
32 planting in a prompt manner.
33

34 (B)No vegetation shall be permitted to extend into the vehicle, pedestrian or bicycle travel lanes,
35 except for tree canopies, which canopies must maintain height clearance for vehicular, pedestrian
36 and bicycle traffic. Any and all landscape maintenance referenced in this section shall not be
37 undertaken on Saturday or Sunday or national holidays and only between the hours of 8:00 a.m.

1 and 6:00 p.m. on all other days. The use of gas operated implements commonly referred to as
2 "leaf blowers" shall be expressly prohibited on Saturdays, Sundays and national holidays.

3
4 (C) In the event of an emergency such as a tropical event, the Town Manager shall be authorized
5 to suspend the enforcement of this Section and any other Section of the Town Code of Ordinances
6 to allow for clean up efforts.

7
8 **Section 3.** If any section, subsection, sentence, clause or provision of this Ordinance is
9 held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

10
11 **Section 4.** That all ordinances or parts of ordinances and all resolutions or parts of
12 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

13
14 **Section 5.** It is the intention of the Town Commission of the Town of Hillsboro Beach,
15 that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances
16 of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered,
17 re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word
18 or phrase in order to accomplish such intention.

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21 adoption by the Town Commission of the Town of Hillsboro Beach.

22
23 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,
24 FLORIDA, ON FIRST READING, THIS ___ DAY OF ____, 2022.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA,
ON SECOND AND FINAL READING, THIS ___ DAY OF ____, 2022.

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26 By: _____

27 Deborah L. Tarrant, Mayor

28 ATTEST:

29
30 By: _____

31 Sherry D. Henderson, CMC

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33 APPROVED AS TO FORM:

34 _____
35 Donald J. Doody, Town Attorney