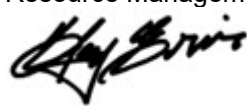




<b>Date:</b> 12/05/2023		<b>AGENDA ITEM</b>		<b>Item:</b> 11	
<input checked="" type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution	
<input type="checkbox"/> Other					
<b>County Goals</b>					
<input type="checkbox"/>	Thriving Communities	<input type="checkbox"/>	Economic & Financial Vitality	<input checked="" type="checkbox"/>	Excellence in Government
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	NA
<b>Department:</b> Growth And Resource Management					
<b>Division:</b> Administration Services					
<b>Subject:</b> Ordinance 2023-44 - An ordinance amending Sec. 50-746 and 72-703, Volusia County Code of Ordinances, establishing new hours of operation for construction activities. The new hours of operation will be 6:00 AM to 9:00 PM Monday through Sunday.					
Clay Ervin Director Growth and Resource Management 		Legal  Christopher Ryan Assistant County Attorney  		County Manager's Office  Ryan Ossowski Chief Financial Officer  	
Department Approval					
Division Approval		Approved as to Form and Legality			
<b>Council Action:</b>					
<b>Modification:</b>					
<b>Account Number(s):</b> NA <b>Total Item Budget:</b> NA					
<b>Staff Contact(s):</b> Clay Ervin		<b>Phone:</b> 386 822 5013		<b>Ext.</b> 2000	
<b>Summary/Highlights:</b> The County Council directed staff at the October 3, 2023, meeting to amend the codes to allow for construction activities to have a uniform set hours of operation and to amend the exemption for construction activities from the noise ordinance to match those hours. The change will allow for companies to initiate work earlier and stay working later. If adopted there will be a uniform start time of 6:00 AM and finish time of 9:00 PM, seven days a week, regardless of weekends or holidays.					
<b>Recommended Motion:</b> Approve					

ORDINANCE 2023-44

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA; AMENDING SECTION 50-476 OF CHAPTER 50 OF THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO ADJUST THE ACCEPTABLE TIMES FOR NOISE FROM CONSTRUCTION ACTIVITIES; AMENDING SECTION 102.9.8 OF THE VOLUSIA COUNTY ADMINISTRATIVE SECTION OF THE FLORIDA BUILDING CODE, CHAPTER 22-2 OF THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO ADJUST THE ALLOWABLE TIMES FOR CONSTRUCTION ACTIVITIES TO TAKE PLACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, construction workers benefit from the ability to start work before the heat of the day intensifies; and

**WHEREAS**, construction is a robust industry within Volusia County, and is responsible for the productive improvement of both developed and undeveloped land; and

**WHEREAS**, the County Council of Volusia County wishes to adjust the hours in which construction and construction-related noise can occur within the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underline type are additions.)

**SECTION I:** Section 50-476(d)(3) of Chapter 50 of the Code of Ordinances of the County of Volusia is hereby amended as follows:

**Sec. 50-476. – Sound limitations established; applicability.**

(d) *Exceptions.* The following uses and activities shall be exempt from noise level regulations:

\* \* \*

(3) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government, are exempt, providing all equipment is operated in accord with the manufacturers' specifications and with all standard equipment, manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition. Construction activities shall be limited to between the hours of 6:00 am and 9:00 pm, seven days a week. ~~Monday through Friday between 7:00 am to 7:00 pm; and Saturday, Sunday, and holidays between 10:00 am to 6:00 pm.~~

**SECTION II:** Chapter 22, Article 1, Section 102.9.8 of the Volusia County Administrative Section of the Florida Building Code of Section 22-2 of the Code of Ordinances of the County of Volusia is hereby amended as follows:

**102.9.8 Construction Hours of Operation. Construction and Demolition:** It is hereby authorized to operate or cause the operation of any tools used in construction, drilling, repair, alteration or demolition work between the hours of 6:00 am and 9:00 pm, seven days a week, ~~7:00 a.m. and 7:00 p.m. on weekdays, and between 10:00 a.m. and 6:00 p.m. on weekends or holidays,~~ except for emergency work by public service utilities or by special authorization of the Chief Building Official.

**SECTION III: SEVERABILITY** - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be

1 severed from this ordinance and all other words, phrases, sentences, subsections, or sections  
2 shall remain in full force and effect.

3       **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in  
4 conflict herewith are, to the extent of such conflict, repealed.

5       **SECTION V: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance  
6 shall be included and incorporated into the Code of Ordinances of the County of Volusia, as  
7 additions or amendments thereto, and shall be appropriately renumbered to conform to the  
8 uniform numbering system of the Code.

9       **SECTION VI: EFFECTIVE DATE.** This ordinance shall take effect upon electronic  
10 filing of a certified copy with the Department of State.

11       ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN  
12 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS  
13 C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA,  
14 THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2023.

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ATTEST:	COUNTY COUNCIL VOLUSIA COUNTY, FLORIDA
_____ George Recktenwald County Manager	_____ Jeffrey S. Brower County Chair



# **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the County's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's Ordinance Number and Short Title:

**ORDINANCE 2023-44**

**AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA; AMENDING SECTION 50-476 OF CHAPTER 50 OF THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO ADJUST THE ACCEPTABLE TIMES FOR NOISE FROM CONSTRUCTION ACTIVITIES; AMENDING SECTION 102.9.8 OF THE VOLUSIA COUNTY ADMINISTRATIVE SECTION OF THE FLORIDA BUILDING CODE, CHAPTER 22-2 OF THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO ADJUST THE ALLOWABLE TIMES FOR CONSTRUCTION ACTIVITIES TO TAKE PLACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 125.66(3), Florida Statutes. If one or more boxes are checked below, this means the County is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the County is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the county government;
- ☐ The proposed ordinance is an emergency ordinance;

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<sup>1</sup> See Section 125.66(3)(c), Florida Statutes.

- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the County hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): The purpose of this ordinance is to expand the hours of construction activities throughout Volusia County, including both approved hours and an expansion of the exemption under the noise ordinance. This will allow the construction industry to take advantage of more daylight, get work going before the heat of the sun makes work more difficult, and result in more efficient construction process.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur: Not applicable/zero dollars

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: not applicable/zero dollars

(c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs: not applicable/zero dollars.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: There are a total of 5,609 contractors doing business within Volusia County, any of which could potentially be impacted.

4. Additional information the governing body deems useful (if any):

Information on the number of contractors potentially impacted was gathered from the permitting department of the County and reflects those contractors who pull permits and take jobs within the County. Unlike other scenarios with fixed business locations, this number could increase should contractors from other counties decide to expand their businesses to Volusia.

