

ORDINANCE NO. 2025-007

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REPEALING AND REPLACING ORDINANCE NO. 2024-003; AMENDING SECTION 9-5 OF CHAPTER 9 ENTITLED "NOISE" OF THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, TO AMEND THE LIST OF EXEMPTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance 2020-006 adopted on July 9, 2020, the Town Council of the Town of Southwest Ranches created Chapter 9 of the Code of Ordinances, entitled "Noise" in order to establish standards for the acceptable levels of noise to protect the quiet enjoyment of the Town; and

WHEREAS, within this newly created Chapter 9, Section 9-5 delineated several exemptions; and

WHEREAS, one such exemption provides that noise emanating from non-farm animals are exempt provided that they do not constitute a nuisance, as defined by the Town's Code; and

WHEREAS, the term nuisance is not defined within Chapter 9 and as such, this provision has been difficult to enforce; and

WHEREAS, to further address the issues and problems associated with non-farm animal noise, the Town finds that it is necessary and proper to amend its existing regulation; and

WHEREAS, the ability to regulate noise and prevent noise pollution is a permitted police power; and

WHEREAS, Article II, Section 7, of the Florida Constitution provides that adequate provisions shall be made by law for abatement of excessive and unnecessary noise; and

WHEREAS, providing for the quietude of residential and agricultural areas within the Town is an important governmental interest and in direct compliance with Article II, Section 7, of the Florida Constitution; and

WHEREAS, the Town finds that this amendment serves and addresses an important governmental interest, in a fair and constitutional manner, and that the adoption of this Ordinance is in the best interest of the public health, comfort, safety,

and welfare; and

WHEARAS, the ability regulate noise, and to ensure and to protect all resident's quality of life, the Town Council finds that this amendment is in the best interest and will reasonably protect the Town and its residents; and

WHEREAS, the Town has the power and authority to enact this Ordinance under State Law, the Florida Constitution, as well as controlling case law of the State of Florida.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

SECTION 2. Repeal and Replace. Upon adoption, this Ordinance repeals and replaces Ordinance No. 2024-003, adopted on December 14, 2024.

SECTION 4. Amendment. Chapter 9, Section 9-5 "Exemptions" of the Code of Ordinances of the Town is hereby amended as follows:

Sec. 9-5. - ***Exemptions.***

The provisions of section 9-3 shall not apply at any time to:

- (1) Motor vehicles legally operating on a public right-of-way;
- (2) The unamplified human voice;
- (3) Any noise generated by new products or interstate motor and rail carrier vehicles to the extent that local regulation of noise levels of such new products and interstate motor and rail carrier vehicles has been pre-empted by the Noise Control Act of 1972 (49 U. S. C. Section 4901 et seq.) or other applicable federal laws or regulations;
- (4) Farming equipment;
- (5) Any noise generated by the movement of aircraft in accordance with or pursuant to applicable federal laws or regulations;
- (6) Maintenance and installation of public service utilities;
- (7) Noise generated for the purpose of alerting persons to the existence of an

emergency or noise generated in the performance of emergency work;

- (8) Any noise generated by any noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way pursuant to lawful authority; and
- (9) Any noise generated by the operation or testing of engines, landscaping equipment, generators, pumps, mechanical equipment, construction tools, emergency equipment or similar noises that are common to residential properties;
- (10) Refuse collection;
- (11) Construction in accordance with the construction hours set forth in the Town Code;
- (12) Any noise generated on a Town owned property, which is authorized by the Town;
- (13) Any noise generated by the Town or by a Town event;
- (14) Farm animals;
- ~~(15) Non farm animals provided that they do not constitute a nuisance, as defined by the Town's Code; and~~
- ~~(16)~~(15) Home workshops in accordance with the construction hours set forth in the Town Code; and Any special event that has been approved by the Town.
- ~~(17)~~(16) Any special event that has been approved by the Town.

SECTION 3. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.

PASSED ON FIRST READING this 12th day of December, 2024 on a motion made by Council Member Jablonski and seconded by Council Member Kuczenski.

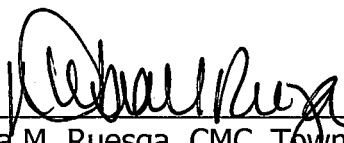
PASSED ON SECOND READING this 23rd day of January, 2025 on a motion made by Chm Jablonski and seconded by Chm Kuczenski.

Breitkreuz	<u>Yes</u>
Hartmann	<u>Yes</u>
Allbritton	<u>Yes</u>
Jablonski	<u>Yes</u>
Kuczenski	<u>Yes</u>

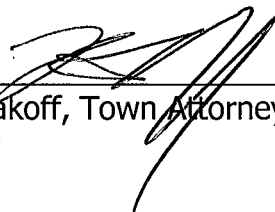
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>


Steve Breitkreuz, Mayor

Attest:


Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, Town Attorney
1001.110.2024