

ORDINANCE NO. 22 - 1723

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 54-78. - "PROHIBITED NOISES" RELATING TO PERMITTED HOURS OF OPERATION FOR PERSONAL OR RESIDENT LANDSCAPING EQUIPMENT AND OTHER NOISE-PRODUCING MECHANICAL DEVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2 Statutes, provide municipalities with the authority to exercise any power for municipal purposes,
3 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it
5 periodically necessary to amend its Code of Ordinances in order to update regulations and
6 procedures to maintain consistency with state law, to implement municipal goals and objectives, to
7 clarify regulations and address specific issues and needs that may arise; and

8 **WHEREAS**, Chapter 54, Article III, of the Town of Surfside (the "Town") Code of
9 Ordinances (the "Code") protects the health, safety, and welfare of Town residents and visitors
10 by controlling noises and offenses involving public peace and order, including regulating hours of
11 operation of lawn or landscaping equipment and mechanical devices; and

12 **WHEREAS**, the Town Commission desires to amend Section 54-78(7) of Division II. – Noise,
13 of Article III. – Offenses Involving Public Peace and Order, of Chapter 54 – Offenses and
14 Miscellaneous Provisions, of the Town Code, in order to allow for use of personal lawn or
15 landscaping equipment by residents within certain hours on Saturdays, Sundays and federal
16 holidays; and

17 **WHEREAS**, the proposed amendment to Section 54-78(7) of the Town Code would allow
18 working residents and Sabbath observing Jewish residents to timely maintain their own lawns
19 within specified hours on Saturday, Sundays and federal holidays, and provide for granter ease in
20 lawn maintenance and care; and

¹Additions to the text are shown in underline. Deletions are shown in ~~strikethrough~~.

21 WHEREAS, the Town Commission finds that the proposed amendment to Section 54-78(7)
22 of the Town Code is in the best interest and welfare of Town residents.

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24 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
25 TOWN OF SURFSIDE, FLORIDA¹:

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27 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
28 this reference:
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30 **Section 2. Town Code Amended.** Chapter 54 – “Offenses and Miscellaneous Provisions”
31 of the Town of Surfside Code of Ordinances is hereby amended, by amending Section 54-78. --
32 “Prohibited Noises” to read as follows¹:

33 **Sec. 54-78. – Prohibited Noises.**

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35 The following noises and other noises of the same characteristics, intensity or annoyance
36 shall be prohibited within the town as follows:

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40 (7) Lawn mowers, hedge clippers, pressure washing machines, etc. The operation
41 of either hand or motor-operated lawn mowers, lawn edgers, weed trimmers, leaf
42 blowers, chain saws, power tools, hedge clippers, pressure washing machines and
43 other mechanical devices, within or without a building, in such a manner as to be
44 plainly audible at a distance of 50 feet from the premises where operated, shall be
45 allowed only from (i) 8:00 a.m. to 6:00 p.m. Monday through Saturday Friday, and
46 (ii) 10:00 a.m. to 6:00 p.m. Saturday, Sunday and all federal holidays, but only for
47 personal or resident lawn care, and shall be prohibited on Sundays and all federal
48 holidays. and other mechanical equipment shall not be allowed at any time on
49 Saturdays, Sundays and all federal holidays for use by commercial or hired
50 contractors. The operation of such lawn mowers, hedge clippers, pressure washing
51 machines and other mechanical devices, within or without a building, in a manner
52 to be plainly audible at a distance of 50 feet, shall be allowed only from 8:00 a.m.
53 until 6:00 p.m. Monday through Saturday and shall be prohibited on Sundays and
54 all federal holidays. The operation of the aforesaid lawn, household and other
55 mechanical equipment shall not be allowed at any time outside the prescribed
56 hours set forth above, on Sundays and all federal holidays provided, however, that
57 under emergency conditions the town manager may, in his discretion, grant
58 exceptions thereto. Commercial or hired contractors, such as landscapers, will be
59 prohibited from the operation of the aforesaid lawn, household, and other
60 mechanical equipment on Saturday, Sunday, and all federal holidays.

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63 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is
64 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
65 in no way affect the validity of the remaining portions of this Ordinance.

66 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
67 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
68 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
69 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
70 appropriate word.

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72 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or
73 resolutions in conflict herewith are hereby repealed.

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75 **Section 6. Effective Date.** This ordinance shall become effective upon adoption on second
76 reading.

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78 **PASSED** on first reading this 14th day of June, 2022.

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80 **PASSED** and **ADOPTED** on second reading this 12th day of July, 2022.

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84 **First Reading:**

85 Motion by: Commissioner Meischeid
86 Second by: Vice Mayor Rose

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89 **Second and Final Reading:**

90 Motion by: Vice Mayor Rose
91 Second by: Commissioner Landsman

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94 **FINAL VOTE ON ADOPTION**

95 Commissioner Fred Landsman Yes
96 Commissioner Marianne Meischeid Yes
97 Commissioner Nelly Velasquez Absent
98 Vice Mayor Jeffrey Rose Yes
99 Mayor Shlomo Danzinger Yes

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Shlomo Danzinger, Mayor

104 **ATTEST:**

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109 Sandra N. McCready, MMC
Town Clerk

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111 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**

112 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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116 Weiss Serota Helfman Cole & Bierman, P.L.

117 Town Attorney

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