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**TOWN OF REDINGTON BEACH
ORDINANCE 2018-10**

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, PINELLAS COUNTY FLORIDA, REPEALING SECTION 12.91 OF ARTICLE IV OF CHAPTER 12 OF THE TOWN CODE REGULATING CONSTRUCTION NOISE; AND AMENDING CHAPTER 6, ARTICLE III, BUILDINGS AND BUILDING REGULATIONS, OF THE TOWN CODE BY INSERTING SECTIONS 6-68, 6-69, 6-70, AND 6-71 REGULATING THE HOURS AND DAYS DURING WHICH CONSTRUCTION MAY OCCUR IN THE TOWN; PERMITTING CONSTRUCTION ACTIVITIES ON SATURDAYS BETWEEN THE HOURS OF 9.00 A.M. AND 3.00 P.M.; PERMITTING OWNER/BUILDERS TO UNDERTAKE CERTAIN INTERIOR CONSTRUCTION ACTIVITIES ON SUNDAYS; PROHIBITING CONSTRUCTION ACTIVITIES ON DESIGNATED FEDERAL HOLIDAYS; FURTHER REGULATING THE USE OF HEAVY EQUIPMENT IN CONSTRUCTION ACTIVITIES; PROVIDING FOR EXCEPTIONS TO THE DAYS AND HOURS DURING WHICH CONSTRUCTION MAY OCCUR WHEN SUCH EXCEPTION WILL NOT IMPAIR THE PUBLIC HEALTH AND SAFETY AND IS IN THE PUBLIC INTEREST; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the Town of Redington Beach desires to regulate the hours construction can be conducted with the jurisdictional limits of the Town; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach finds that such regulation is in the best interests of the public health, safety and welfare; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach has determined that the repeal of Section 12.91 – Construction activities and the amendment of Chapter 6, Article III, Division 1 are necessary to effectively regulate same; and

WHEREAS, the Town’s Planning Board, which serves as its Local Planning Agency, has found this Ordinance to be consistent with the Comprehensive Plan and recommended approval of the amendment to further consistency with the Town’s Comprehensive Plan;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. Chapter 12 - Nuisances, Article IV - Noise, Section 12.91 – Construction activities is hereby repealed in its entirety and the section is reserved for future use.

1 **Section 3.** Chapter 6 – Buildings and Building Regulations, Article III – Building
2 Code, Division 1 – Generally, is amended by the addition of Sections 6-68 – Construction hours;
3 6-69 – Work on holidays prohibited; 6-70 – Heavy equipment; and 6-71 – Exceptions; as
4 follows:
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6 **Sec. 6.68 – Construction hours.**
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8 The erection, including excavating, demolition, alteration or repair of any building
9 other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and
10 between the hours of 9.00 a.m. and 3.00 p.m. on Saturdays, is prohibited, except
11 in case of urgent necessity in the interest of public health and safety, and then only
12 with a permit from the building official, which permit may be granted for a period
13 not to exceed three days while the emergency continues. Notwithstanding the
14 foregoing, an owner-builder who is granted a building permit pursuant to Section
15 489.103 (7)(a), Florida Statutes, may work on Sundays, in the interior of the
16 building only, between the hours of 9.00 a.m. and 3.00 p.m. provided that there
17 are no external indicators (noise, vibration, smoke, dust, or odor) of such work,
18 and further provided that no subcontractors are present on the premises on any
19 Sunday.
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22 **Sec. 6-69 – Work on holidays prohibited.**
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24 The erection, including excavating, demolition, alteration or repair of any building
25 on the following statutory holidays is prohibited: New Year's Day (January 1),
26 Birthday of Martin Luther King, Jr. (Third Monday in January), Washington's
27 Birthday (Third Monday in February), Memorial Day (Last Monday in May),
28 Independence Day (July 4), Labor Day (First Monday in September), Columbus
29 Day (Second Monday in October), Veterans Day (November 11), Thanksgiving
30 Day (Fourth Thursday in November), and Christmas Day (December 25). In the
31 event that any of the foregoing holidays falls on a Saturday, the prohibition
32 against construction shall apply to the preceding Friday. In the event that any of
33 the foregoing holidays falls on a Sunday, the prohibition against construction shall
34 apply to the following Monday.
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37 **Sec. 6-70 – Heavy Equipment.**
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39 The operation of heavy equipment, to include but not limited to: pile drivers,
40 steam shovels, pneumatic hammers, derricks, dredges, steam or electric hoists or
41 other appliance, the use of which is attended by loud and raucous noise is
42 prohibited at all hours other than those permitted by sections 6-68 and 6-69.

1 **Sec. 6-71 - Exceptions.**


2
3 If the building official should determine that the public health and safety will not
4 be impaired by the erection, demolition, alteration or repair of any building or the
5 excavation of streets and highways on days or at times other than those permitted
6 by Sections 6-68 and 6-69, and if he shall further determine that loss or
7 inconvenience would result to any party in interest, he may, following
8 consultation with Mayor or Building Commissioner, grant permission for such
9 work to be done on an otherwise prohibited day or at an otherwise prohibited
10 time, upon application being made at the time the permit for the work is awarded
11 or during the progress of the work.

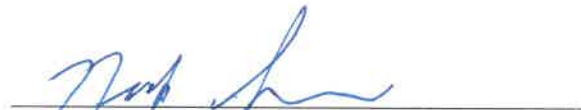
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13 **Section 4.** If any section, subsection, sentence, clause, provision or word of this
14 Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the
15 remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of
16 the Ordinance shall withstand any severed provision, as the Board of Commissioners would have
17 adopted the Ordinance and its regulatory scheme even absent the invalid part.

18
19 **Section 5.** This Ordinance shall become effective immediately upon final passage and
20 adoption.

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22 **PASSED AND ADOPTED** by the Board of Commissioners of the Town of Redington
23 Beach, Pinellas County Florida, this 2nd Day of January, 2019.

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26 ATTEST:

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28 _____
29 Missy Clarke, CMC Town Clerk

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31 _____
Nick Simons, Mayor

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| | Motion | Seconded | Aye | Nay | Absent |
|---------------------------|--------|----------|-----|-----|--------|
| Commissioner Kornijtschuk | | X | X | | |
| Commissioner Dorgan | | | X | | |
| Commissioner Steiermann | | | X | | |
| Vice Mayor Will | X | | X | | |
| Mayor Simons | | | X | | |