

Sec. 105-28. - Construction and dredging, at night, on weekend days and holidays.

- (a) Violations of this section shall be punishable as provided in section 1-7.
- (b) *Construction prohibited.* Construction (i.e., pile driving operations, demolition, excavations, concrete pours, etc.) is prohibited on weekends and holidays as set forth in this section. No construction, alteration or general repair of any building, structure, or other item for which a permit to construct, alter or repair is required by any ordinance of the city shall be done in the city before the hour of 7:30 a.m. or after 6:00 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday. No construction work shall be performed on any Saturday before the hour of 9:00 a.m. and after the hour of 5:00 p.m. No exterior construction shall be performed on any Saturday, at any time, in the city's residential zones or within 100 feet of said zones, except:
 - (1) Work being performed by a property owner/resident under an owner-builder permit;
 - (2) Work being performed by a property owner/resident that does not require a permit; and
 - (3) Power/pressure cleaning of sidewalks, driveways or roofs.

No construction, alteration or repair of any building, structure or other item shall be done on any holiday as established by the federal government and on the date observed by the federal government and as established by section 1-2 (which includes December 24th, irrespective of when it is observed by the city). No construction, alteration or repair of any such item shall be done on any Sunday. The 100 feet shall be measured as the distance between the nearest property line for property zoned for residential use and either the property line for typical construction projects (i.e., single family homes, single building sites) or the construction boundary (quasi property line), as determined by the building official, for large sites or staged work. Any deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24. Further, no music or programming that exceeds 60 dB or 10 dB over ambient noise at the property line of a construction site is permitted.

- (c) *Dredging, land filling.* Dredging and land filling operations shall not be carried out in the city between the hours of 6:00 p.m. of one day and 7:30 a.m. of the next day. No dredging or land filling operations shall be carried out in the city's residential zones or within 100 feet of the city's residential zones on any weekend day or any holiday (as set forth in subsection (b) of this section). However, if upon investigation the city manager should find that the carrying out of such land filling and dredging operation will not interfere with or disturb nearby residents, the city manager is hereby given instructions and the authority in his/her discretion to waive this provision dealing with such dredging and land filling operations, but any such deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager or his/her designee, pursuant to administrative regulation number 1.24.
- (d)

Special permits authorized. The prohibitions of subsections (a) and (b) of this section shall not pertain to such cases where a special permit shall have been applied for and granted by the development services department of the city, providing for special inspection by the proper department authorized by ordinance to inspect the particular work to be done. Provisions covering applications and permits are set forth in subsection (d) of this section.

- (e) *Procedure for special permits.* Any person desiring a special permit for the purpose of doing construction, alterations or repair covered by the terms of this section shall make application to the development services department of the city, giving such information as the development services department requires to identify the locations of such work, the hours outside of the regular hours of inspection during which applicant proposes to work, and in addition thereto shall request and make arrangements with the development services department for any special inspection of such work that may be necessary and shall compensate the development services department at the usual rate of pay for such overtime inspection, in advance of issuance of such special permit. In addition to the special permit issued by the development services department, any such deviation from the terms stated in subsections (a) or (b) of this section shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24. All special permits shall be issued upon a showing that the public peace will not be disturbed and that public safety will not be endangered.
- (f) *Special permits generally not applicable to weekend days or holidays.* Generally, special permits, provided for in this section, shall not be issued for exterior construction on any Saturday in residential zones of the city or within 100 feet of residential zones of the city, or on any Sunday or any holiday as established by the federal government and on the date observed by the federal government and as established by section 1-2 (which includes December 24th, irrespective of when it is observed by the city). Any deviation from the terms hereof shall be evidenced by a special permit, in writing, issued and signed by the city manager, pursuant to administrative regulation number 1.24.
- (g) *Exceptions.* Any construction, alteration or repair, being performed by the city, whether interior or exterior, is expressly exempt from this section. The city manager may issue special permits for exterior construction on Saturdays, within 100 feet of residential zones, on Sundays and holidays for specific projects, as necessary. The city manager may also allow for exterior construction on Saturdays, that is not already exempt in any other part of this section, in residential zones, for exceptional circumstances. Notwithstanding the foregoing, emergency work affecting life and/or safety on Saturdays, Sundays or holidays, shall be permitted in accordance with the requirements of the current Florida Building Code.

(Code 1958, § 8-13.1; Code 1991, § 6-29; Code 2006, § 105-26; Ord. No. 1218, §§ 1—4, 7, 2-21-1961; Ord. No. 2057, § 1, 11-27-1973; Ord. No. 3264, § 1, 8-26-1997; Ord. No. 2007-14, § 2, 3-27-2007; Ord. No. 2017-02, § 2(105-26), 1-10-2017)

