

**CITY OF SANIBEL  
ORDINANCE 23-011**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW THE AMENDMENT OF HOURS FOR CONSTRUCTION OR REPAIRING OF BUILDINGS VIA RESOLUTION OR MAYORAL PROCLAMATION FOLLOWING THE DECLARATION OF A STATE OF LOCAL EMERGENCY RELATED TO A NATURAL OR MAN-MADE DISASTER BY AMENDING CHAPTER 30, ENVIRONMENT, ARTICLE III, NOISE, SECTION 30-63(8), CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 7, 2023, the City Council discussed extending the hours of construction allowed by Section 30-63(8) of the City Code during daylight savings time to allow residents, businesses, and contractors to expedite the recovery from damages caused by Hurricane Ian on September 28, 2022; and

**WHEREAS**, the Code of Ordinances does not currently permit the City Council to extend the hours of construction during a declared State of Local Emergency by resolution; and

**WHEREAS**, the City Council deems it necessary to have the authority to deviate from the hours of construction defined in the Code by issuing a resolution or mayoral proclamation to quickly respond to natural or manmade disasters; and

**WHEREAS**, it is in the best interest of the residents and businesses of the City of Sanibel to allow the City Council to deviate from the hours of construction defined in the Code by issuing a resolution or mayoral proclamation following a natural or manmade disasters.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:**

**SECTION 1.** The recitals above are true and correct and made a part hereof.

**SECTION 2.** The Sanibel Code of Ordinances, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

**Chapter 30 - ENVIRONMENT**

...

**ARTICLE III. – NOISE**

...

**Sec. 30-63. – Loud, disturbing, and unnecessary noises.**

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle anywhere in the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (2) *Radios, phonographs, etc.* The use or operation of any television, radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber, or area in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. to 7:00 a.m. of every Monday through Saturday, and 12:00 noon of every Sunday, in such manner as to be plainly audible at a distance of 50 feet from the building, structure, vehicle, or area in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers, amplifiers for advertising.* The use or operation of, or permitting to be played, used, or operated, any television, radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, singing, or the making of similar noises, other than normal conversation at reasonable levels, in any public space between the hours of 10:00 p.m. to 7:00 a.m. of every Monday through Saturday, and 12:00 noon of every Sunday, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling unit, or church, or of any persons in the vicinity.
- (5) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (7) *Defect in vehicle or load.* The use of any automobile, motorcycle, or other vehicle so out of repair, or so loaded, or in such manner, as to create loud and unnecessary grating, grinding, rattling, or other noise.

- (8) *Construction or repairing of buildings, etc.* The erection, demolition, alteration, or repair of any building, or any excavation, other than between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday, except for emergency work or in case of urgent necessity in the interest of public health and safety and only when approved by the city manager. When the city has declared a state of local emergency related to a natural or manmade disaster, the city council may amend the hours for construction or repairing of buildings via resolution or by mayoral proclamation.
- (9) *Hawkers and peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of any residential zone.

**SECTION 3.** Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

**SECTION 4.** Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

**SECTION 5.** Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**SECTION 6.** Effective date. This Ordinance shall be effective immediately upon adoption.

**ADOPTED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 12<sup>TH</sup> DAY OF APRIL 2023.**

Attest:

\_\_\_\_\_  
Scotty Lynn Kelly, City Clerk

\_\_\_\_\_  
Richard Johnson, Mayor

Approved as to form and legality:

\_\_\_\_\_  
John D. Agnew, City Attorney

Date filed with City Clerk: \_\_\_\_\_

Vote of Council Members:

Smith \_\_\_\_\_  
 Johnson \_\_\_\_\_  
 Crater \_\_\_\_\_  
 Henshaw \_\_\_\_\_  
 Miller \_\_\_\_\_

First Reading: March 21, 2023  
 Publication Date: \_\_\_\_\_  
 Second Reading: April 12, 2023