

ORDINANCE NO. 2016-17

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 34 (ENVIRONMENT), ARTICLE III (NOISE), SECTION 34-89 (EXCEPTIONS) TO CLARIFY THE DEFINITION OF EXCEPTIONS TO THE TERM "LOUD AND RAUCOUS NOISE;" BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Administration is recommending that the Board of Commissioners of the City of Madeira Beach, Florida, amend Section 34-89 to identify and clarify the definition of exceptions to the term "loud and raucous noise;"

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 34 (Environment), Article III (Noise), Section 34-89 (Exceptions) of the Code of Ordinances of the City of Madeira Beach, Florida, be hereby revised to hereinafter be and read as follows:

Sec. 34-89. – Exceptions.

The term "loud and raucous noise" does not include noise or sound generated by the following:

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells on law enforcement, fire and other emergency vehicles.
- (3) Parades, firework displays and other special events for which a permit has been obtained from the city, within such hours as may be imposed as a condition for the issuance of the permit.
- (4) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agents.
- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (6) Bells which are rung or organs which are played to signal religious services.
- (7) Locomotives and other railroad equipment and aircraft.

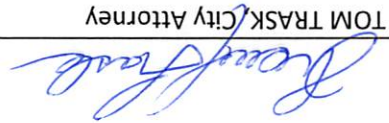
SECTION 2. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

SECTION 3. **Severability.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4. **Effective Date.** This Ordinance shall be in full force and effect from and after its adoption and approval in the manner approved by law.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MADEIRA BEACH, FLORIDA, this
14 day of February, 2016.

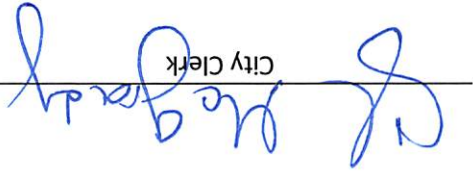
APPROVED AS TO FORM:


TOM TRASK, City Attorney

TRAVIS PALLADENO, Mayor



ATTEST:


City Clerk

PASSED ON FIRST READING:

PUBLISHED:

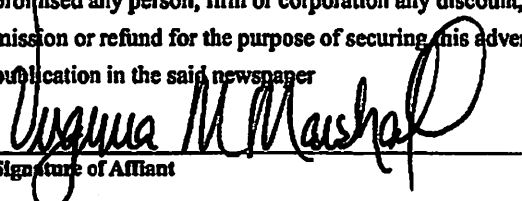
PASSED ON SECOND READING:

Tampa Bay Times
Published Daily

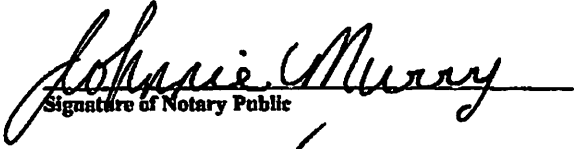
STATE OF FLORIDA)
COUNTY OF Pinellas County } ss

Before the undersigned authority personally appeared Virginia Marshall who on oath says that he/she is Legal Clerk of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: Public Hearing was published in Tampa Bay Times: 1/27/17. in said newspaper in the issues of St Pete Times Beaches

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper


Signature of Affiant

Sworn to and subscribed before me this 01/27/2017.


Signature of Notary Public

Personally known _____ or produced identification

Type of identification produced _____

 **JOHNNIE MURRY**
MY COMMISSION # FF99284
EXPIRES May 16, 2020



NOTICE OF PUBLIC HEARING
CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §165.041(3)(a):

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct a second and final hearing and proposes to adopt Ordinance 2016-17, Ordinance 2016-18, Ordinance 2016-19, and Ordinance 2017-02 on Tuesday, February 14, 2017 at 6:00 p.m. in the City of Madeira Beach Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The titles of said Ordinances are as follows:

ORDINANCE 2016-17

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ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE II (SPECIAL EVENTS), SECTION 42-16 (DEFINITION) TO CLARIFY THE DEFINITION OF SPECIAL EVENTS; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VIII (SPECIAL MAGISTRATE), SECTION 2-603 (CONDUCT A HEARING) TO CLARIFY THE REQUIREMENTS OF CONDUCTING A HEARING; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-02

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, UPDATING MADEIRA BEACH'S COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT BY ADOPTING AN ADDENDUM TO THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FY 2017 THROUGH FY 2021; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Copies of the proposed Ordinances are available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible. The Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Therefore, any person needing a verbatim record must make the necessary arrangements with a private reporter or private recording firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 391-9951 or fax a written request to (727) 399-1131.