

**ORDINANCE NO. 2024-007**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, AMENDING SECTION 21-3 “GENERAL PROHIBITIONS”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, City Staff periodically reviews the Ordinances and ULDRs of the City of Manors, Florida and makes recommendations to the City Commission to revise its Ordinances and ULDRs; and

**WHEREAS**, the City Staff recommends that the City Commission amend the Code of Ordinances, as more specifically set forth herein; and

**WHEREAS**, the City Commission of the City of Wilton Manors, Florida deems it to be in the best interests of the citizens and residents of the City to amend the Code of Ordinances as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
CITY OF WILTON MANORS, FLORIDA:**

**Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2:** Chapter 21, Section 3 of the City Code of the City of Wilton Manors, shall be amended as follows:

**Sec. 21-3. General prohibitions.**

All uses in any zoning district within the City shall be operated in compliance with the standards of performance described in this Section. In addition to the prohibitions hereinafter specified, all uses shall be constructed, maintained and operated so as not to be injurious to the use, occupation and enjoyment of the adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious waste materials, odors, radiation, fire and explosive hazard, or glare. In case of conflict

between the prohibitions set forth herein, Section 21-11, and any rules or regulations adopted by any other governmental agencies having jurisdiction, the more restrictive shall apply.

(1) *Noise disturbance.*

- a. No person shall make, continue or cause to be made or continued any noise disturbance. The making of noise in violation of this Chapter shall constitute prima facie evidence of a noise disturbance.
- b. Any person wishing to register a noise disturbance complaint in violation of the provisions of this Chapter shall be required to sign a sworn statement in order for a noise control officer to investigate and cite an alleged offender. Such sworn statement shall also be accompanied by evidence.

(2) *Amplified sound.* No person shall cause, allow, or permit the operation of any amplified sound device from the following use districts or locations in the following manner:

a. *Residential use.*

1. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily;
2. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily; or
3. Sound shall not be plainly audible for a period of one (1) minute or longer to a neighboring unit in any multifamily dwelling, townhome, condominium or any similar residential unit that have bordering walls, ceilings or floors.

- b. *Rights-of-way.* Sound shall not be plainly audible at a distance of twenty-five (25) feet or more from a motor vehicle or any other sound source.

(3) *Animals.*

a. ~~From 7:00 a.m. to 9:59 p.m., it shall be unlawful for any person to own, keep, possess or maintain any domesticated animal or animals which excessively bark, howl, yelp, whine or otherwise vocalizes (howls, yelps, barks, squawks, or other noise) persistently or continuously for a period of 15 minutes or longer, and which either annoys, disturbs, injures or endangers the peace, health or comfort of a reasonable person of ordinary sensibilities. and the vocalizing is plainly audible at or within the property line of the complainant, and:~~

- a.1. ~~For the purposes of this Section, "persistently or continuously" shall mean nonstop vocalizations vocalizing is for more than five (5) at least 15 consecutive minutes without interruptions of more than 45 seconds during the 15-minute period, defined as an average of four (4) per minute; or~~
- b.2. ~~For the purposes of this Section, the calculation of time shall begin with the first vocalization from an animal(s), and shall restart upon any interruption of more than 45 seconds. The vocalizing is two (2) times or more per minute for ten (10) consecutive minutes.~~

b. ~~From 10:00 p.m. until 6:59 a.m., it shall be unlawful for any person to own, keep, possess or maintain any animal or animals which excessively bark, howl, yelp, whine or otherwise vocalizes and the vocalizing is plainly audible at or within the property line of the complainant, and:~~

1. ~~The vocalizing is for more than five (5) minutes without interruptions, defined as an average of four (4) vocalizations per minute; or~~

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2. The vocalizing is two (2) times or more per minute for ten (10) consecutive minutes.
- c. A Sworn affidavit of complaint from a minimum of one (1) unrelated person residing in a separate residence alleging a violation of this section and one (1) time-stamped video with audio as evidence shall be required. The noise shall have been plainly audible to the complainant within a 1,000-foot radius when measured from the source property line.
- d. Each day an incident occurs shall constitute a separate and distinct violation.
- (4) *Commercial sanitation operations.* No person shall cause, allow, or permit the loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or recyclable containers, between the hours of 10:00 p.m. and 7:00 a.m. daily when such operations are conducted on a property located within two hundred fifty (250) feet of a residential use.
- (5) *Construction.*
- a. No person shall operate or cause to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
- b. It shall be unlawful for any person to operate or cause to be operated equipment for the aforementioned uses Monday through Friday before 8:00 a.m. or after 7:00 p.m., Saturday before 9:00 a.m. or after 5:00 p.m., Sunday before 10:00 a.m. or after 5:00 p.m., and federal holidays before 10:00 a.m. or after 5:00 p.m., except for public works transportation projects.
- c. The limitations in this Section may be waived by the City Manager or designee in the case of exceptional circumstances; provided, however, that no such waiver shall be granted unless the City Manager or designee finds that:
1. The party seeking the waiver will suffer a unique hardship and/or practical difficulty unless the waiver is granted;
  2. The granting of a waiver will not cause a substantial or undue adverse impact upon adjacent property or upon the public health, safety and welfare;
  3. That the activity, operation, or noise will be temporary in duration; and
  4. That no reasonable alternatives are available to the party.
- (6) *Emergency generators.*
- a. Testing of generators shall be conducted for the minimum duration and at the minimum frequency recommended by the manufacturer, but in no case shall said testing exceed one (1) hour in any one (1) day.
- b. Testing shall only be conducted between the hours of 10:00 a.m. and 7:00 p.m. daily.
- c. The sound emissions from generators shall not exceed sixty-eight (68) dBA when measured at a distance of twenty-three (23) feet from the generator.
- d. When the generator is located on the same parcel as the complainant, the indoor sound level limits in Table 1 shall apply.
- (7) *Heating, ventilation, and air conditioning (HVAC) equipment on residential property.* No person shall operate or cause to be operated any HVAC equipment on residential property which exceeds forty (40) dBA between the hours of 10:00 p.m. and 7:00 a.m. daily when measured within the premises of a complainant.
- (8) *Landscaping and yard maintenance power tools or motorized equipment.* No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment

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Monday through Friday before 7:00 a.m. or after 7:00 p.m. and Saturday and Sunday before 8:00 a.m. or after 6:00 p.m. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.

(9) *Motorboat.* No person shall operate or cause to be operated any motorboat in any lake, river, stream, or other waterway which is not muffled pursuant to F.S. § 327.65.

(10) *Motor vehicles, motorcycles, mopeds and motorized scooters.* No person shall cause a rapid throttle advance (revving) of an internal combustion engine resulting in a noise disturbance.

(11) *Horns, signal devices.* No person shall sound any horn or audible signal device of any motor vehicle, boat, train, engine, machine or stationary boiler of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, or as a danger warning, nor shall it be sounded for any unnecessary or unreasonable period of time. This Section shall not be construed as forbidding the use of a signal device on an emergency vehicle as a warning signal during the use thereof.

(12) *Idling motors.* It shall be unlawful for any person to operate any motor or a motor vehicle of a weight in excess of eight thousand (8,000) pounds for a consecutive period of time longer than two (2) minutes while such vehicle is standing on private property and located within one hundred fifty (150) feet of property zoned and used for residential purposes, except where such vehicles are standing within a completely enclosed structure. Emergency vehicles and public transportation vehicles shall be exempt from this provision. Delivery vehicles shall be exempt when such a motor is an integral component of the delivery process in question.

(13) *Miscellaneous applications.*

a. It shall be unlawful for any event, activity, gathering or congregation that involves two (2) or more people to take place at a location whose activities create a breach of the peace within the City or disturbs the peace and quiet of the good order of the neighborhood.

b. The using, operating or permitting to be played, used or operated, of any radio, television, tape or record player, amplifier, musical instrument or other machine or device used for production, reproduction or emission of sound in a manner which either annoys, disturbs, injures or endangers the peace, health or comfort of a reasonable person of ordinary sensibilities, or at any time with greater sound intensity than necessary for convenient hearing for the person or persons who are in the room, vehicle or area in which such device is operated.

c. The using, operating or permitting to be used or operated, of any loud speaker or public address system in such a manner which either annoys, disturbs, injures or endangers the peace, health or comfort of a reasonable person of ordinary sensibilities, or at any time with greater sound intensity than necessary for convenient hearing for the person or persons who are in the room, vehicle or area in which such device is operated.

(14) *Tampering.* Unless authorized to do so by the Chief of Police or designee, no person shall remove or render inoperative or inaccurate any sound monitoring instrument or device positioned by or for the Chief of Police or designee, provided such device or the immediate area is clearly labeled to warn of potential illegality.

#### **Section 4. Codification.**

It is the intention of the City Commission of the City

of Wilton Manors, and it is hereby ordained that the provisions of this Ordinance shall become and

be made a part of the Code and Ordinances of the City of Wilton Manors, Florida, and that Sections

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of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**Section 5: Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**Section 6: Conflicts.** That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 7. Effective Date.** Except as otherwise provided for herein, this Ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THIS 27th DAY OF AUGUST, 2024.**

**PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 8th DAY OF October, 2024.**

CITY OF WILTON MANORS, FLORIDA

By:

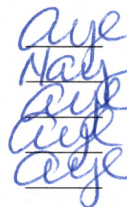
SCOTT NEWTON, MAYOR.

ATTEST:

RECORD OF COMMISSION VOTE: 1<sup>ST</sup>  
Reading

  
PATRICIA STAPLES, MMC  
ASSISTANT CITY CLERK

MAYOR NEWTON  
VICE MAYOR BRACCHI  
COMMISSIONER CAPUTO  
COMMISSIONER D'ARMINIC  
COMMISSIONER ROLLI



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I HEREBY CERTIFY that I have  
approved the form of this Ordinance.

/s/ Kerry L. Ezrol  
KERRY L. EZROL, ESQ.  
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2<sup>ND</sup>  
Reading

MAYOR NEWTON  
VICE MAYOR BRACCHI  
COMMISSIONER CAPUTO  
COMMISSIONER D'ARMINIO  
COMMISSIONER ROLLI





City of Wilton Manors  
Business Impact Estimate

*Note: The business impact estimate must be posted on the City's website no later than the date the notice of proposed enactment is published per Section 166.041(4) Florida Statutes. This business impact estimate may be revised following its initial posting.*

***Ordinance title/reference:***

Amendments to Chapter 21 of the City of Wilton Manors Code of Ordinances entitled "Noise Control", Section 21-3(3) entitled "Animals".

**Does any of the following exceptions to the Business Impact Estimate requirement apply? If so, check the applicable box and leave the remainder of the form blank.**

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the County;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
  - b. Sections 190.005 and 190.046, regarding community development districts;
  - c. Section 553.73, relating to the Florida Building Code; or
  - d. Section 633.202, relating to the Florida Fire Prevention Code.

Business Impact:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):
  
2. Estimate of direct economic impact of the proposed ordinance on private, for- profit businesses in the City of Wilton Manors (each is required):
  - 2.1 An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted
  
  - 2.2 Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible
  
  - 2.3 An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:
  
3. A good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
  
4. Additional information (if any):