

ORDINANCE NO. 15-011

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **CORRECTING SCRIVENER'S ERROR IN ORDINANCE NO. 14-033 AMENDING CHAPTER 11 OFFENSES-MISCELLANEOUS, ARTICLE 1 GENERAL; ADDING SECTION 11-52.20 PROVIDING FOR APPLICATION FOR A SPECIAL PERMIT; REPEALING ORDINANCES AND PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS on December 1, 2014, there was adopted Ordinance No. 14-033 which amended Chapter 11 Offenses-Miscellaneous, Article 1 General; and

WHEREAS a new Section 11-52.20 in Ordinance 14-033 was inadvertently omitted from the ordinance.

NOW THEREFORE, be it ordained by the City Commission of the City of Fort Pierce, Florida, as follows:

SECTION 1. Ordinance No. 14-033 is hereby amended at Section 11-52.20 thereof to read as follows:

Sec. 11-52.20. - Application for special permit.

Application for a permit for relief from the noise levels designated in this section on the basis of undue hardship may be made to the city manager or his designated appointee. Any permit granted by the city manager or his designated appointee hereunder shall be in writing and contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager or his designated appointee may grant the relief as applied for under the following conditions:

- (1) The city manager or his designated appointee may prescribe any reasonable conditions or requirements as he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- (2) Permits for entertainment. Special event permits are covered under Chapter 12 Article III of city code. Permits for noise generated by and related to public events held on public property may be obtained as provided for in Article III, Chapter 12 of city code.
- (3) Other. Special permits for noise generated by non-entertainment special purposes may be issued under the following conditions:
 - a. 1. If the special purpose relates to the operation of a trade or business, that the special purpose not be in the ordinary course of that trade or business; or
 2. If the special purpose does not relate to the operation of a trade or business, that the special purpose not be an ordinary event in the affairs of the applicant; and
 - b. If the special purpose be a recurring purpose, that it not recur more often than four (4) times each calendar year; and
 - c. 1. That the special purpose be absolutely necessary to the operation of the applicant's trade or business; or

- 2. If the special purpose does not relate to the operation of the trade or business, that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur; and
 - d. Except in emergency situations, as determined by the city manager or his designated appointee, the special permit may be issued for only four (4) hours between 7:00 a.m. and 11:00 p.m. on weekdays; and
 - e. Special permits may be issued for no longer than fifteen (15) consecutive days, renewable by further application to the city manager or his designated appointee.
- (4) No permit may be issued to permit the use of any loudspeaker or sound-amplifying device on the exterior of any building which at any time exceeds the sound level limits in Table I except those used for emergency warnings.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall have no further force or effect whatsoever.

SECTION 3. This ordinance is and the same shall be effective retroactively as of December 1, 2014.

APPROVED AS TO FORM AND CORRECTNESS:

Robert V. Schwerer, Esq.
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 15-011 was duly advertised by title only in the St. Lucie News Tribune on May 22, 2015; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 1, 2015, and was duly introduced, read by title only, and passed on second and final reading on June 15, 2015, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 15th day of June, 2015.

Linda Hudson,
Mayor Commissioner

ATTEST:

Linda W. Cox, City Clerk

(City Seal)