

ORDINANCE NO. 04-31

**AMENDMENT OF TITLE 11, CHAPTER 4 OF THE
SPRING HILL MUNICIPAL CODE
RELATIVE TO OFFENSES AGAINST THE PEACE AND QUIET**

WHEREAS, the Board of Mayor and Aldermen desires to amend the Municipal Code so as to amend Title 11, Chapter 4.

NOW THEREFORE, in consideration of the premises be it hereby ordained by the Board of Mayor and Aldermen that Title 11, Chapter 4 of the Spring Hill Municipal Code relative to offenses against the peace and quiet is hereby amended as follows:

11-402. Anti-noise regulations.

A third sentence shall be added prior to subsection (1) as follows: “Unreasonably loud, disturbing, and unnecessary noise” is defined as any loud or unusual noise or annoying vibration which offends, disturbs or harasses the peace and quiet of persons of ordinary sensibilities beyond the confines of the property from which the sound emanates.

The following language shall be substituted for the present subsection (1) (h) and all existing language thereof deleted:

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Saturday during the months of July and August and between the hours of 7:00 a.m. and 6:00 p.m. all other times of the year. Any building operations as defined herein are expressly prohibited on Sunday.

The following subsections shall be added after subsection (2):

(3) Enforcement.

(a) Enforcement Officials. The Police Department, or their designees, and/or the Codes Enforcement Officer shall be the authorized enforcement personnel charged with the enforcement of these provisions.

(b) **Violations.** Authorized enforcement personnel may: order and specify reasonable remedial actions to be taken by a violator of this chapter to achieve compliance; or issue citations for violations of these provisions assessing fines not to exceed fifty dollars (\$50.00) for each day such violation is committed or permitted to continue. Additionally, any person found in violation of any of the provisions of this section may be prosecuted for a misdemeanor and upon conviction thereof shall be fined fifty dollars (\$50.00).

(c) **Injunction.** As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter and which causes a noise disturbance may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(d) **Suspension or Revocation of License or Permit.** As an additional remedy for violation of any provision of this section, any enforcement official under subsection A of this subsection may summarily suspend, and after a hearing may revoke, any license or permit, including a building or demolition permit.

(4) **Applicability.** This Ordinance shall not apply to property zoned Commercial or Industrial unless such property abuts property zoned Residential. In all events, it shall apply to property zoned Residential.

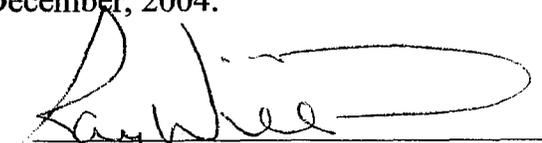
(5) **Severability.** It is the intention of the Board of Mayor and Aldermen that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Mayor and Aldermen that if any provision of this chapter be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

In all other respects, Section 11-402 *et seq.* remains unchanged.

BE IT FURTHER ENACTED that all ordinances or partial ordinances in conflict herewith be and the same hereby are repealed or modified as the case may be.

BE IT FURTHER ENACTED that this ordinance shall take effect from and after its adoption the public welfare demanding it.

Enacted this 20th day of December, 2004.


Ray Williams, Mayor

ATTEST: Paul Wood

CITY RECORDER

APPROVED AS TO FORM:

Michael Horne
CITY ATTORNEY

11-19-2004
PASSED FIRST READING

12-20-2004
PASSED SECOND READING