



# DEPARTMENT OF SUSTAINABLE DEVELOPMENT – BUILDING DIVISION

## REQUESTING EXEMPTION FROM THE NOISE ORDINANCE

Rev: 1 | Revision Date: 10/25/2018 | Print Date: 10/25/2018 | I.D. Number: REFNO

In order for a contractor to work outside of normal work hours, the contractor must submit a noise control/management plan. The noise control/management plan must be approved by the Building Official and City Manager before any work outside of the normal hours is commenced. The City of Fort Lauderdale limits time construction work may take place and any associated noise within the City's noise ordinance in Section 17-7.4, (b) of our municipal code.

**Sec. 17-7.4. Construction: b).** *It shall be unlawful for any person to operate or cause to be operated equipment for the aforementioned uses Monday through Saturday before 8:00 a.m. or after 7:00 p.m. and Sunday before 10:00 a.m. or after 7:00 p.m., except for public works transportation projects that are approved pursuant to Section 17-9.*

Exemption to this ordinance is provided under section 17-10:

**Sec. 17-10. - Construction of large or complex projects (transportation and non-transportation); exemption for time to comply.**

*Upon good cause shown by the owner of any noise source when a noise management plan has been approved by the city commission, the city manager shall have the power to grant a special permit, which provides an exemption from the provisions of Section 17-7.4 of the Noise Control Ordinance in order to allow sufficient time for the installation of necessary materials, equipment, facilities, or modifications necessary for construction as certified by the Building Official. Provided however, the aforementioned special permit shall not be granted for a period of time to exceed thirty (30) days from the date said exemption is granted, but such exemption may be renewed for an additional fifteen-day period of time provided that the special permit remains in compliance.*

*(a) Approval of the special permit shall be based upon cases of necessity or in the interest of public health, safety and convenience. In the issuance of such permit(s), the city manager shall weigh all facts and circumstances and shall determine whether the reasons given for the necessity are valid and reasonable, whether the public health, safety and convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship upon such party.*

*(1) The special permit shall not authorize construction sound between the hours of 11:00 pm and 6:00 am, unless specifically granted by the City Manager.*

*(2) Special permit(s) shall be for a specific period and shall include a start date and a finish date. Each specific period shall require a special permit.*

*(3) A notice measuring at least 16"x20" with 2" letters must be posted in at least two places on the perimeter of the construction site during the life of the permit describing the activity, purpose, hours and dates for the special permit.*

*(4) Nothing in the special permit shall imply multiple periods or multiple construction sites or projects.*

*(5) Appropriate Maintenance of Traffic (MOT) agreements must also be submitted or included with any special permit request.*

*(b) The City Manager may refer approval of a special permit to the City Commission.*



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## TO OBTAIN APPROVAL

If a contractor is challenged in complying with ordinance [Sec. 17-7](#) because of a significant hardship or an unachievable construction timeline by limitations of allowable work hours, the contractor may request in writing to the building official to allow construction outside the parameters set by the noise ordinance. The contractor must first provide a detailed noise control/management plan and have it approved by both the Building Official and the City Manager.

The plan must contain the following:

1. **Cover page** with Contractor name, project name and location:
2. **The plan must provide at minimum:**
  - *Description of work* to be performed outside normal work hours for which approval is being sought.
  - *A site plan & a location map.*
  - *Legal Description*, block and plat should be provided.
  - *Justification for work* and why the extended work hours are being requested.
  - *Commencement Date and Duration of work.*
  - *A list of contractor contacts* for the Project Management personnel in charge and those which will be on be onsite.
  - Contractor details of equipment that will be used during extended hours.
  - Contractor details for noise levels that may be produced by range of decibels (provide current gaged ambient levels at site and levels predicted from the proposed impact of construction being requested) and how they will be controlled. The U.S. Department of Transportation Highway Administration website might be useful in providing some of this data.
  - Contractor details for vibratory control measures to be implemented.
  - Provide details on how neighbors in the vicinity will get notified of the extended working hours.
  - Provide details on how complaints will be resolved or mitigated.

## CONSEQUENCES FOR NONCOMPLIANCE

The following consequences will occur if complaints are received by a neighbor or observed by any city inspector:

- 1st verifiable infraction – a written and an oral jobsite warning to the Project Manager/Superintendent.
- 2nd verifiable infraction – Standard Code enforcement fines for noise ordinance violation will be applied.
- 3rd verifiable infraction – revocation of Noise Management Plan, reverting back to standard requirements in the Noise Ordinance.