



*Florida Department of Transportation*

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GOVERNOR

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SECRETARY

January 14, 2020

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Project Engineer - Town of Palm Beach - Public Works  
951 Old Okeechobee Road Suite "A"  
West Palm Beach, FL 33401

**Subject: FPID 440009-1-52-01 — SR A1A @ Sloan's Curve Revetment Improvement**

The primary objective of this project is to address erosion along a section of roadway embankment adjacent to Sloan's Curve along SR A1A (Ocean Boulevard) in Palm Beach County by installing Rubble Rip Rap revetment in accordance with FDOT Design Manual (FDM), Drainage Design Guide Guidelines and the SR A1A Erosion Protection Feasibility Study dated May 2014.

Due to the location of the project, a Coastal Construction Control Line (CCCL) Permit from the Florida Department of Environmental Protection (FDEP) is required. As part of the CCCL permit, FDEP requires that all construction take place outside of Turtle Nesting Season, which is from March 1<sup>st</sup> to October 31<sup>st</sup>. Furthermore, to be able to complete construction outside of Turtle Nesting season, a 90 day contract time is specified, with a mandatory beginning work start date of November 1, 2020. Meeting the contract time may require additional crews and equipment, to extend construction to a 12 hour day, and/or to work seven days a week.

In order to meet both FDEP requirement to work outside of Turtle Nesting season, and complete construction in 90 days, the Florida Department of Transportation seeks exception from the following Town of Palm Beach Code of Ordinances Sections:

- **Sec. 42-196.** – *Prohibited noise*  
(Code 1982, § 12-48; Ord. No. 23-09, § 1, 1-12-10)  
  
    **Sec. 42-197.** - *Specific acts prohibited*  
(Code 1982, § 12-49; Ord. No. 8-00, § 1, 6-13-00; Ord. No. 11-2017, § 1, 4-13-17)
- **Sec. 42-198.** – *Operation of certain machinery during winter, Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving.*  
(Code 1982, § 12-50; Ord. No. 10-05, § 3, 7-12-05; Ord. No. 18-05, § 1, 1-10-06; Ord. No. 03-2018, § 1, 2-13-18)
- **Sec. 42-199.** – *Hours of Construction work.*

*(Code 1982, § 12-51; Ord. No. 12-99, § 1, 11-9-99; Ord. No. 3-00, § 1, 4-11-00; Ord. No. 23-00, § 1, 10-10-00; Ord. No. 22-01, § 1, 11-13-01; Ord. No. 26-02, § 1, 11-12-02; Ord. No. 17-03, § 1, 10-14-03; Ord. No. 23-04, § 1, 2-15-05; Ord. No. 10-05, § 4, 7-12-05; Ord. No. 18-05, § 2, 1-10-06; Ord. No. 18-10, § 1, 7-13-10; Ord. No. 1-2013, § 1, 4-9-13; Ord. No. 03-2018, § 1, 2-13-18)*

If you require further information, please do not hesitate to contact me at (954) 777-4061 or toll free at (866) 336-8435, ext. 4061, via email at [Raul.Dominguez@dot.state.fl.us](mailto:Raul.Dominguez@dot.state.fl.us).

Sincerely,

Raul Dominguez, P.E.

Project Manager

District Four

cc: Robert B. Weber – Town of Palm Beach - Coastal Program Manager  
John Olson P.E. - District Design Engineer  
Paul Lampley P.E. - District Construction Engineer  
Emilio Corrales P.E. – HDR – Engineer of Record

Sec. 42-196. - Prohibited noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued:

- (1) Any loud or raucous noise;
- (2) Any noise that tends to annoy the community or injure the health of the citizens in general; or
- (3) Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

(Code 1982, § 12-48; Ord. No. 23-09, § 1, 1-12-10)

Sec. 42-197. - Specific acts prohibited.

The following acts shall be unlawful whether or not such acts constitute a violation of section 42-196:

(1) Keeping of animals. The keeping of any animal or bird that causes loud and raucous noise, or frequent noise audible within any receiving dwelling, hotel or other type of residence. (2) Playing of radio, television, phonograph, similar device. The playing of any radio, television, phonograph, compact disc player, tape player, musical instrument, or other sound-making device audible within any receiving dwelling, hotel or other type of residence between the hours of 12:00 midnight and 7:00 a.m. or at any such time so that the sound created by such device violates the standards set forth in section 42-196. (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting the playing, using or operating of any radio or television receiving sets, musical instrument, phonograph, compact disc player, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. (4) Noises near churches, schools. The creation of any noise on any street or other public way adjacent to any church, school or institution of learning while the same is in session that unreasonably interferes with the workings of such institution. (5) Loading and unloading operations. The creation at any time of loud and raucous noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, crates or containers. (6) Noises to attract attention. The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or sound-making device for the purpose of attracting attention to any performance, show, sale, display or merchandise. (7) Yelling, shouting, similar noises. Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 12:00 midnight and 7:00 a.m., or at any time or place in a manner violating the standards set forth in section 42-196. (8) Blowers. The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. (9) Operation of car radios. The operation of radios or other mechanical sound making devices or instruments in vehicles as hereby regulated and controlled by F.S. § 316.3045. (10) Operation of sound making devices in public areas. The operation of radios or tapeplayers or other mechanical sound making devices or instruments in or upon a public street, highway, building, sidewalk, park, thoroughfare or other public area or located in or upon a public access area, such as a parking lot, etc., if such sound can be heard from more than 50 feet, measured in a straight line from its source. (11) Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas. The commercial loading and unloading of any vehicle, or the opening, destruction and/or disposal of bales, crates, containers, or any other item for businesses located in or adjacent to residentially zoned areas, shall be prohibited between the hours of 8:00 p.m. and 8:00 a.m. (12) Gasoline powered leaf blowers. (a) Definition. Leaf blowers shall mean any air blowing machine that uses a concentrated stream of air to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse or debris. (b) The use of gasoline powered leaf blowers is prohibited on any property within the town which is less than one acre in size. This prohibition shall be effective as of October 1, 2017.

(Code 1982, § 12-49; Ord. No. 8-00, § 1, 6-13-00; Ord. No. 11-2017, § 1, 4-13-17)

Sec. 42-198. - Operation of certain machinery during winter, Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving.



- (a) *Prohibited.* During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending April 30, no person shall operate or cause to be operated the following machinery or equipment within the town:
- (1) Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.
  - (2) Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.
  - (3) Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.
  - (4) Dry sandblasting machines and jackhammers.
  - (5) Any other class of machinery or appliance that in its operation would render the enjoyment of property within the town less agreeable than if such appliances or machinery were not operated.
- (b) *Exceptions.*
- (1) It shall be within the discretion of the town council when, in its opinion, the operation of any of the prohibited machinery or appliances mentioned in subsection (a) of this section shall not be overly offensive to the residents or inhabitants of the town, in the vicinity of the equipment's operation, to grant an exception to this section.
  - (2) The operation of equipment relating to essential services of the town and equipment operation during emergency conditions shall be exempt from subsection (a) of this section.

(Code 1982, § 12-50; Ord. No. 10-05, § 3, 7-12-05; Ord. No. 18-05, § 1, 1-10-06; Ord. No. [03-2018](#), § 1, 2-13-18)

Sec. 42-199. - Hours for construction work.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Construction work* means work of a physical nature requiring a permit in accordance with the provisions of this Code and/or violates the conditions of section 42-198 and/or violates the conditions of this section, and/or causes excessive noise as defined by section 42-228.
- (b) *Limited.* Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.
- (c) *Exceptions.*

- (1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).
- (3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for nontown related essential services may be authorized at any time during the year.
- (4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30.
- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

(Code 1982, § 12-51; Ord. No. 12-99, § 1, 11-9-99; Ord. No. 3-00, § 1, 4-11-00; Ord. No. 23-00, § 1, 10-10-00; Ord. No. 22-01, § 1, 11-13-01; Ord. No. 26-02, § 1, 11-12-02; Ord. No. 17-03, § 1, 10-14-03; Ord. No. 23-04, § 1, 2-15-05; Ord. No. 10-05, § 4, 7-12-05; Ord. No. 18-05, § 2, 1-10-06; Ord. No. 18-10, § 1, 7-13-10; Ord. No. 1-2013, § 1, 4-9-13; Ord. No. 03-2018, § 1, 2-13-18)

**Cross reference—** Buildings and building regulations, ch. 18.

**Editor's note—** Ord. No. 17-03, § 5, adopted Oct. 14, 2003 provided that the amendment to section 42-199 contained in § 1 of said ordinance shall sunset on May 1, 2004, whereupon section 42-199 as it existed prior to adoption of said ordinance shall remain in full force and effect.