

ORDINANCE NO. 008-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENTAL AT ARTICLE V, NOISE AT SECTION 42-228, NONVEHICULAR NOISE AMENDING THE MAXIMUM LEVEL, DBA MEASUREMENT IN GEOGRAPHIC AREA 4 TO BE CONSISTENT WITH THE MEASUREMENTS IN GEOGRAPHIC AREAS 1 AND 3, i.e., 61 DECIBELS DURING THE DAY AND 55 DECIBELS AT NIGHT; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, Sec. 42-228, of Chapter 42, Article V, relating to noise appears to be inconsistent in regard to the manner in which decibel levels are applied in various geographic areas of the Town, which are residential areas in the Town; and

WHEREAS, geographic areas 1 and 3, have maximum dBA readings of 61 in the day and 55 at night and geographic area 4, which is also a residential area has a maximum decibel reading of 66 during the day and 60 during the night; and

WHEREAS, it is the desire of the Town to make the maximum level dBA's consistent in these residential areas of the Town; and

NOW, THEREFORE, be it ordained by the Town Council of the Town of Palm Beach, Palm Beach, Florida as follows:

Section 1. Sec. 42-228, of Chapter 42, at Article V, Noise is hereby amended to read as follows:

Section. 42-228. Nonvehicular Noise.

In the use of a sound level meter, the following criteria shall be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels emanating from other than motor vehicles, with the exception of lawn maintenance equipment.

Area (<i>Geographic</i>)	Maximum Level, dBA	
	<i>Day</i>	<i>Night</i>
1	61	55
2	64	58
3	61	55
4	61	55

“Night” as used hereinabove is defined as the hours between 7:00 p.m. and 9:00 a.m. (Code 1982 § 12-147 (c))

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not effect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of May, 2022, and for second and final reading on this 14th day of June, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Town Clerk

Lewis S.W. Crampton, Town Council Member