ORDINANCE NO. 21-2025

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 - ENVIRONMENT, ARTICLE V – NOISE, BY AMENDING SECTION 42-198(A) AND SECTIONS 42-199 (B) AND (C) TO REVISE THE DURATION OF THE CONSTRUCTION SEASONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements is reviewed from time-to-time and may be modified by Resolution of the Town Council; and

WHEREAS, the Town of Palm Beach, Town Council authorized the creation of the Department of Public Works, Engineering Division Standards Applicable to Public Rights-of-Way and Easements by Ordinance 11-94 on July 12, 1994; and

WHEREAS, the Town has determined, that since the adoption of the Right-of-Way manual in May of 1994, there has been 22 modifications to the manual by resolution. Therefore, the structure, form and applicable certain engineering standards were found to be inconsistent and out of date; and

WHEREAS, the Town has determined that it is necessary to amend the Town's Right-of-Way Manual in its entirety to adopt standard language, updated engineering specifications, and ensure consistency throughout the Right-of-Way manual; and

WHEREAS, the Town has determined that the start of winter construction season as presently reflected in the Right-of-Way manual should be adjusted to begin November 1, which is reflected in the revised Right-of-Way manual; and

WHEREAS, Chapter 42 – Environment, Article V – Noise contains the regulations for construction hours and should be amended to match the new construction seasons as proposed by the revised Right-of-Way Manual.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2: The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 42 – Environment, Article V - Noise, by amending Section 42-198(a) to read:

"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~~ November 1 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."

Section 3: The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 42 – Environment, Article V - Noise, by amending Sections 42-199(b) and (c) to read:

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

(b) Limited. Beginning on ~~the Monday preceding Thanksgiving~~ November 1, 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 observed town holidays, and the days before and after Thanksgiving, when all construction and lawn maintenance work, other than as excepted in section 42-230, is prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Beginning on May 1 until ~~the Monday preceding Thanksgiving~~ October 31, work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and town observed holidays, when all construction and lawn maintenance work is restricted or prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Construction work is permissible on Saturdays from May 1 through ~~the Monday preceding Thanksgiving~~ October 31, 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 and limited to indoor activity, with the exception of quiet lawn maintenance work and tree trimming); 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 restrictions 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 October 31, except Sundays and legal holidays, when all construction work is prohibited. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. during the weekdays. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30 a.m. and are restricted from conducting any kind of site activity prior to 9:00 a.m. on Saturdays, when limited work is permitted from May 1 through ~~the Monday preceding Thanksgiving~~ October 31.

(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 non-town 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~~ November 1 and ending on April 30, for multi-family properties, south of Sloan's Curve which are not located on Ibis Isle, that have an association board that approves of Saturday work hours, and a copy of a letter indicating the Saturday work hours have been approved by the association board is on record with the town.

(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."

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect 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 5. 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 6. Codification.

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

Section 7. 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 9th day of September 2025, and for second and final reading this 14th day of October 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Bridget Moran, Town Council Member

ATTEST:

Kelly Churney, CMC, Town Clerk