

ORDINANCE NO. 2024-15

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, AMENDING THE WELLINGTON CODE OF ORDINANCES CHAPTER 13, ARTICLE II (NOISE STANDARDS), SECTIONS 13-4 TO 13-8, TO PROVIDE DEFINITIONS AND CLARIFY PERMISSIBLE SOUND LEVELS AS MORE SPECIFICALLY CONTAINED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in Chapter 166, Florida Statutes, is amending the Code of Ordinances to amend the noise standards to address public health, safety, and welfare; and

WHEREAS, certain activities and the associated noise, particularly activities on residential property, require noise levels greater than that of a normal conversation to be regulated and enforced to ensure the peaceful enjoyment of land; and

WHEREAS, Wellington's Council has taken the comments from the public into consideration of the proposed amendments that are the subject of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA THAT:

SECTION 1. Chapter 13, Article II (Noise Standards), Sections 13-4 to 13-8 of the Code of Ordinances, Wellington, Florida, is hereby amended as specifically provided in Exhibit A.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this ordinance conflict with any section, paragraph, clause, or phrase of any prior Wellington ordinance, resolution, or municipal code provision, then in that event, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, or phase of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any portion of part thereof, other than the part so declared to be invalid.


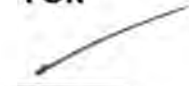
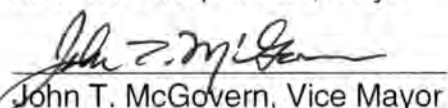

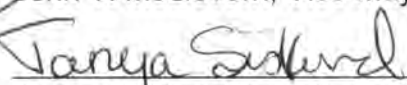

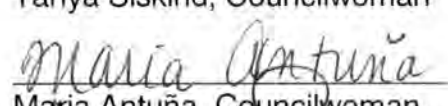
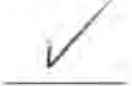


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SECTION 4. This ordinance shall become effective immediately upon adoption by the Wellington Council following second reading.

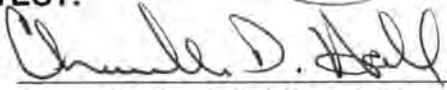
PASSED this 8th day of October, 2024, upon first reading.

PASSED AND ADOPTED this 12th day of November, 2024, upon second and final reading.

WELLINGTON

		FOR	AGAINST
BY:			_____
	Michael J. Napoleone, Mayor		
			_____
	John T. McGovern, Vice Mayor		
			_____
	Tanya Siskind, Councilwoman		
			_____
	Maria Antuña, Councilwoman		
			_____
	Amanda Silvestri, Councilwoman		

ATTEST:

BY: 
Chevelle D. Hall, MMC, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: 
Laurie Cohen, Village Attorney

Exhibit A

ARTICLE II. – NOISE STANDARDS

Sec. 13-4. Purpose and intent.

The purpose and intent of this article is to eliminate and regulate sources and occurrences of noise that interfere with the peaceful enjoyment of land or that are contrary to the public health, safety, or welfare, or that constitute a nuisance to the public at-large.

Sec. 13-5. Applicability.

~~This article shall apply to all property within Wellington unless specifically exempted herein.~~

Sec. 13-5. Definitions

For this article, the following definitions shall apply unless the context indicates or requires a different meaning.

ANSI: The American National Standards Institute.

DBA: The abbreviation designating the unit of sound level as measured by a sound level meter using the A weighting, also known as DBA.

Plainly audible: Able to be clearly heard by a person of normal sensibilities using only unaided auditory senses. Plainly audible shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds that are just barely audible. With respect to music, the detection of a rhythmic base reverberating type sound, beat, or cadence shall be deemed plainly audible.

Property line: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned or possessed by a person from that owned or possessed by another person, but not including intra-building real property divisions.

Receiving property: Any residence or place of business on which uninvited noise is plainly audible.

Residence: Any occupied room or rooms connected together containing sleeping facilities, including but not limited to single and multiple family homes, townhomes, apartments, condominium units, hotel and motel rooms.

Sound amplifiers: Sound augmented by any electronic means which increases the sound level or volume.

Sound level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, as specified in ANSI specifications for sound level meters.

Sound level meter: Any instrument, including a microphone, amplifier, output meter, and frequency weighting network, for the measurement of noise and sound levels in a specific manner and that complies with standards established by the ANSI specification's for sound level meters.

Sound source: The place from which sound emanates, including without limitation, a speaker, loud speaker, or other sound-producing instrument, person, or animal.

Unreasonably loud: Uninvited noise shall be deemed unreasonably loud if it is plainly audible inside of a receiving property with doors and windows closed, across a property line, and interferes with a person's peaceful enjoyment of a residence or the peace and tranquility of the surrounding neighborhood.

Uninvited noise: Noise not originating on the receiving property.

Sec. 13-6. Exemptions.

The following shall be exempted from the standards of this section:

- A. Sound emitted from the operation of motor vehicles legally operating on any public rights-of-way, which are regulated by F.S. ch. 316, the Uniform Traffic Control Law.
- B. Any noise generated by activities to the extent such activities are preempted from municipal regulation by applicable state or federal laws or regulations.
- C. Any noise generated as a result of emergency work, as a danger-warning device, or for the purpose of alerting persons to the existence of any emergency.
- D. Any noise generated by any government authorized activity conducted on public land.
- E. Any noise generated within any public rights-of-way, including parades, when duly~~appropriately~~ authorized by the governing body.
- F. Non-amplified crowd noises at sporting events.
- G. Sound emitted from the operation of equipment associated with maintenance of public or private golf courses when the equipment is utilized in the normal operation and operating hours of a golf course, provided the equipment is used only between the hours of 6:00 ~~a.m.~~AM and 7:00 ~~p.m.~~PM daily. All construction activities, including machinery and equipment, such as chain saws, are not included within the exemption provided herein.

Sec. 13-7. Specific prohibitions.

The following activities are prohibited:

- A. *Horns, signaling devices:* The sounding of any horn or audible signal device of any motor vehicle, boat, engine, machine or stationary boiler of any kind except as required by law or as a warning. The sounding of any warning device for an unnecessary or unreasonable period of time is also prohibited.
- B. *Public streets and parks:* The operating or playing of any radio, television, phonograph, musical instrument or similar device on the public rights-of-way or in public parks in a manner as to be plainly audible at a distance of 100 feet from the sound source at any time, except as may be exempted by this chapter.
- C. *Loud speakers and sound amplifiers:* The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device within or adjacent to inhabited residential land such that the sound therefrom is plainly audible across the property line of the inhabited residential land at any time. This section shall not

apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants, and nightclubs.

- D. *Street sales advertising*: The use or operation of any loudspeaker, sound amplifier or musical instrument that produces or reproduces sound that is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any particular building, structure or place when such sound that is emitted is plainly audible across the land-property line of any inhabited residential land.
- E. *Machinery and construction work*: The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tools, equipment of semi-mechanical devices or undertaking construction work that emits sound across the land-property line of an inhabited residential land between the hours of 10:00 ~~p.m.~~PM and 7:00 ~~a.m.~~AM, Monday through Saturday. All major construction work, including grading and site preparation, assembly, erection, substantial repair, alteration or demolition of a building or structure is prohibited anytime on Sunday. This shall not prohibit individuals from performing home repair or maintenance, between the hours of 9:00 ~~a.m.~~AM and 6:00 ~~p.m.~~PM on Sunday nor shall it prohibit the use of pumps or machinery that, because of its very nature and purpose, is required to be operated 24 hours a day.
- F. *Lawn equipment*: The operation of lawn and garden equipment that emits sound across a property line to inhabited residential land except between the hours of 7:00 ~~a.m.~~AM and 10:00 ~~p.m.~~PM Monday through Saturday and between the hours of 9:00 ~~a.m.~~AM and 6:00 ~~p.m.~~PM on Sundays.
- G. *Animal noise*: Pursuant to section 4-1 of this Code, Wellington has adopted Chapter 4, entitled "Animals" of the Palm Beach County Code of Ordinances, designated as the "Palm Beach County Animal Care and Control Ordinance." In addition to the Palm Beach County Animal Care and Control Ordinance, animal noise originating from real property in Wellington is subject to the noise provisions set forth in this chapter.

Sec. 13-8. General prohibitionsUnreasonably loud noise prohibited; noise in excess of maximum specified sound levels prohibited.

- A. An owner of real property and/or property representative of a vacation rental shall be responsible for any violation of this section, whether or not the owner and/or property representative is the source of the violation.
- B. It shall be a violation of this Code for any person or business to cause or permit to originate from the real property the person or business controls any sound that (1) crosses a property line at a volume that is unreasonably loud or (2) exceeds the maximum sound levels set forth in this section. A property owner and/or property representative of a vacation rental may be cited for any violation of this section.
- C. Given the nature of noise violations, including the harmful and detrimental effects of such violations on neighboring properties, Wellington waives the requirement that a warning notice be provided prior to the issuance of a violation, and any law enforcement or code compliance officer who believes that a violation of this article

is or has occurred may forego providing a written warning and issue a citation or a notice of violation.

D. For the purpose of measuring the volume of sound, the measurement of sound shall be made with a Type 2, or equivalent, sound level meter operating on the A weighting scale of any standard design and quality meeting the standards prescribed by the ANSI. The instruments shall be maintained in calibration and in good working order. Measurements recorded shall be taken to provide a proper representation of the sound source.

1. The measurement shall be made at or beyond the real property line of the property on which the sound is generated, or perceived, as appropriate, approximately five (5) feet above ground.

2. In the case of an elevated or directional sound source, compliance with the sound limits is to be maintained at any elevation at or beyond the real property line.

E. No person shall operate, or cause to be operated, any source of sound from any location in such a manner as to create a sound level that exceeds the limits set forth in Table A for inhabited residential and commercial land by more than ten 10 percent of any measurement period, where the period shall not be less than ten 10 minutes when measured at or within the boundary of the complaining landownerreceiving property. For the purpose of this section, inhabited shall mean regularly occupied by the owner, occupant, or tenant of the complainant-receiving property and occupied at the time of complaint. Sound level measurement shall be made with a Type 2, or equivalent, sound level meter using the A-weighting scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner.

Table A. Prohibited Sound Levels – Source and Limits

Receiving Land - Use	Noise Source	Time of Day	Sound Level Limit
Residential	Fixed mechanical equipment	Any time	60 dBA 60 dBA
Residential	All other sources	8:00 p.m. PM to 11:00 p.m. PM	55 dBA
		11:00 p.m. PM to 7:00 a.m. AM	50 dBA
Commercial	All sources	Any time	70 dBA