

ORDINANCE NO. 7-2025

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 42-199(B) TO PROHIBIT CONSTRUCTION WORK FROM DECEMBER 24 THROUGH JANUARY 1; 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 Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapter 166, Florida Statutes, to adopt such regulations as it deems appropriate to further the health, safety, and welfare of its residents; and

WHEREAS, traffic and congestion within the Town have become highly problematic and are adversely affecting the Town’s public health, safety, and welfare, particularly during December and the other winter months; and

WHEREAS, the Town is a barrier island that is essentially built out, with residential being the predominant land use within the Town;

WHEREAS, there exists in areas of the Town a significant amount of resident and commercial development and re-development; and

WHEREAS, nearly all of the contractors and subcontractors working on development projects in the Town travel to work on construction sites in the Town from outside the Town, and

WHEREAS, the heavy concentration of construction activity and associated construction employee vehicles cause vehicular traffic congestion on residential and commercial streets, impede the movement of traffic, restrict parking availability, and unduly restrict access of patrons and visitors to commercial areas and residents and their guests to their homes, and

WHEREAS, a significant influx of Town residents and visitors come to the Town from Christmas Eve through New Year’s Day to celebrate the holidays with family and friends, and

WHEREAS, prohibiting construction in the Town from Christmas Eve through New Year's Day will preserve the residents' quality of life; preserve the safety of Town residents including pedestrians, bicyclists, and children; ensure the high quality of the Town's residential and commercial neighborhoods; preserve property values; and otherwise protect the health, safety, and welfare of the public, and

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- 199(b) to read:

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

(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 observed town holidays, the days before and after Thanksgiving, and from December 24 through January 1, 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, 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, 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.”

Section 3. 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 4. 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 5. Codification.

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

Section 6. 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 11th day of June, 2025, and for second and final reading this 9th day of July, 2025.

Danielle H. Moore

Danielle H. Moore, Mayor



ATTEST:

Kelly Churney
Kelly Churney, CMC, Town Clerk

Absent

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog

Julie Araskog, Town Council Member

Edward A. Cooney

Edward A. Cooney, Town Council Member

Bridget R. Moran

Bridget Moran, Town Council Member