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ORDINANCE NO. 2022-22 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, “OFFENSES--MISCELLANEOUS,” ARTICLE I, “IN GENERAL,” BY AMENDING SECTION 15-24.1 “DEFINITIONS” AND SECTION 15-24.5, “ENFORCEMENT,” WHICH SHALL MODIFY THE ENFORCEMENT PROCESS FOR A NOISE CONTROL VIOLATION AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, noise has been a topic of concern within the City for a significant period of time, and has recently been the subject of discussion regarding the modification of enforcement and legislative solutions; and

WHEREAS, the purpose of the City's Noise Control Ordinance is to obtain compliance of unnecessary and excessive noise violations before imposing fines and other penalties; and

WHEREAS, in order to strike a balance between the concerns of the business community and residents, a warning and violation system has been developed which takes into account the diverse character of the City; and

WHEREAS, the provisions of this Ordinance are intended to preserve the quality of life in all City neighborhoods, to allow businesses to provide an inviting environment for their patrons, and to strike the proper balance in the enforcement of noise violations; and

WHEREAS, the amendments to the Ordinance seek to streamline the enforcement provision through the option for law enforcement to issue a City civil citation and to provide alternatives means of enforcement; and

WHEREAS, the City’s civil citation procedure, as set forth in Chapter 2, Article 10 of the Code of Ordinances, is also being amended to provide for a graduated fine for subsequent noise violations at the same property; and

WHEREAS, the City Commission has reviewed the recommended amendments and has determined that they serve a valid public purpose and are in the best interest of the public health, safety, and general welfare of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA that:

Section 1. Recitals. The foregoing recitals are hereby affirmed and ratified.

Section 2. Chapter 15 OFFENSES--MISCELLANEOUS, Article I, “IN GENERAL,” Section 15-24.1 shall be amended to read as follows:

1 **Sec. 15-24.1. – Definitions.**

2
3 The following words, terms and phrases, when used in this article, shall
4 have the meanings ascribed to them in this section, except where the context
5 clearly indicates a different meaning:

6 * * *

7 Person means individuals, firms, associations, joint ventures, partnerships,
8 estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all
9 other business entities, groups or combinations.

10 Section 3. Chapter 15 OFFENSES--MISCELLANEOUS, Article I, "IN
11 GENERAL," Section 15-24.5 shall be amended to read as follows:

12
13 **Sec. 15-24.5. – Enforcement.**

- 14
15 (a) Whenever a law enforcement officer is notified of and observes a violation of the
16 ordinance from which this section derives or, whenever a law enforcement officer
17 observes, the officer shall issue a warning in writing if there is a violation to the
18 person(s) individual, or individuals, responsible for the violation. The warning shall
19 advise the person(s) individual or individuals of the specific violation of the noise control
20 ordinance and shall specify a reasonable time to reduce the sound level to an
21 appropriate level as set forth within the noise control ordinance. Absent special
22 circumstances, a reasonable time shall not exceed ten (10) minutes.
23
24 (b) If the violation is not eliminated within a reasonable time (ten (10) minutes) after the
25 warning has been issued, or if the violation recurs within ninety (90) days of the
26 issuance of the warning, the individual or individuals so warned and not complying,
27 shall be charged with a violation of the noise control ordinance and shall be subject to
28 enforcement, prosecution and punishment as set forth herein.
29
30 (c) Each re-measurement, after warning, which exceeds the maximum permissible sound
31 levels established by the noise control ordinance, shall constitute a separate violation.
32
33 (d) The city's law enforcement agency is hereby authorized to enforce this subsection
34 through the issuance of a city civil citation as set forth in Chapter 2, Article X of this
35 Code. Law enforcement may, in the alternative, issue a notice to appear. A violation of
36 the noise control ordinance is a criminal offense, for which violators may be subject to
37 a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not
38 exceeding sixty (60) days or by both such fine and imprisonment. The city may also
39 choose to pursue injunctive relief and/or any other remedy available at law or in equity.
40

41 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion
42 of this Ordinance is for any reason held invalid or unconstitutional by any court of
43 competent jurisdiction, such portion shall be deemed a separate, distinct, and
44 independent provision, and such holding shall not affect the validity of the remaining
45 portions thereof.

46
47 Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
48 herewith are hereby repealed to the extent of such conflict.
49

1 Section 6. Codification. The sections of the ordinance may be made a part of the City
2 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish
3 such, and the word "ordinance" may be changed to "section", "division", or any other
4 appropriate word.

5
6 Section 7. Effective Date. This ordinance shall take effect ten days after its adoption.
7

8 The passage of this ordinance on first reading was moved by Commissioner
9 Malega, seconded by Commissioner Diaz, and upon being put to a vote, the vote was as
10 follows:

11		
12	Mayor Betty Resch	AYE
13	Vice Mayor Christopher McVoy	AYE
14	Commissioner Sarah Malega	AYE
15	Commissioner Kimberly Stokes	AYE
16	Commissioner Reinaldo Diaz	AYE

17
18 The Mayor thereupon declared this ordinance duly passed on first reading on the
19 18th day of October, 2022.
20

21
22 The passage of this ordinance on second reading was moved by
23 _____, seconded by _____, and upon being put to a vote,
24 the vote was as follows:

25	
26	Mayor Betty Resch
27	Vice Mayor Christopher McVoy
28	Commissioner Sarah Malega
29	Commissioner Kimberly Stokes
30	Commissioner Reinaldo Diaz

31
32 The Mayor thereupon declared this ordinance duly passed on the _____ day of
33 _____, 2022.

34 LAKE WORTH BEACH CITY COMMISSION

35
36
37
38 By: _____
39 Betty Resch, Mayor

40 ATTEST:
41
42
43 _____
44 Melissa Ann Coyne, City Clerk