

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 18, 2022

DEPARTMENT: City Attorney (and PBSO)

TITLE:

Ordinance No. 2022-22 – Second Reading - Amending Section 15-24.1 “Definitions” and Section 15-24.5 “Enforcement,” to modify the enforcement process for a noise control violation and for other purposes

SUMMARY:

An ordinance amending the City’s Noise Ordinance to allow for enforcement of violations by the Palm Beach County Sheriff’s Office through the issuance of City civil citations. The City will also have alternative enforcement options including the issuance of a notice to appear, injunctive relief and any other available legal or equitable remedy.

BACKGROUND AND JUSTIFICATION:

The City has adopted noise control regulations in Chapter 15 “Offenses-Miscellaneous,” Article I “In General,” Section 15-24 “Noise control.” The definitions section of the ordinance is being amended to include a definition of “person” so that it includes businesses in addition to individuals. Currently, a noise violation may only be enforced through the issuance of a notice to appear which is handled through the county court system. The amendments to the ordinance will authorize the Palm Beach County Sheriff’s Office to issue a City civil citation that is processed through the City’s special magistrate. Violations may also be enforced through the issuance of a notice to appeal and any other available alternative legal or equitable remedy.

The commission unanimously approved the Ordinance on first reading at the October 18th meeting with the additional language (highlighted on the ordinance) defining that the officers must be informed or observe the infraction and highlighting the reasonable time frame of 10 minutes.

MOTION:

Move to approve/disapprove Ordinance No. 2022-22 on first reading and setting the second reading and public hearing for November 1, 2022.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Ordinance 2022-22