



Cover Memorandum/Staff Report

File #: 25-1573

Agenda Date: 12/8/2025

Item #: 9.A.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: December 8, 2025

ORDINANCE NO. 35-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, CHAPTER 99, "NOISE CONTROL," BY REPEALING THE ADOPTED CHAPTER 99 IN ITS ENTIRETY AND READOPTING SAME, AS REVISED, IN ORDER TO AMEND AND UPDATE THE CITY'S REGULATIONS FOR THE APPROPRIATE LEVEL OF NOISE OUTPUT ORIGINATING WITHIN THE LIMITS OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommended Action:

Motion to Approve Ordinance 35-25.

Background:

The proposed changes to Chapter 99 of the Code of Ordinances, Noise Control, seek to make the City's noise regulations more consistent, easier to understand, and enforceable. Currently, the noise ordinance employs a subjective standard, leading to confusion and misunderstanding regarding what constitutes loud, excessive, or unnecessary noise. The proposed changes, derived from sound studies conducted by the City's outside consultant, utilize an objective standard using sound meters.

At the workshop before the City Commission on November 18, 2025, the City Commission directed staff to make changes to section 99.03(G), Exempt Activities, to further limit the hours of permissible sound emanating from landscape maintenance equipment (between 8:00 a.m. and 5:00 p.m. on weekdays, and between 8:00 a.m. and 4:00 p.m. on Saturdays and Sundays) and to section 99.04 (J), Prohibited Activities, to reduce the time allowance for any animal making continuous noise from 20 minutes to 10 minutes. No other changes were made to the Ordinance.

After the workshop, staff met internally to discuss the exemption related to landscape maintenance equipment. Based on their feedback, it is recommended that the permissible hours for use of landscape maintenance equipment be amended from 8:00 a.m. (as directed at the workshop) to 7:00 a.m. The employees charged with maintenance of the City's landscaping commence their duties at 6:00 a.m. Due to safety concerns surrounding high temperatures during the summer as well as contractual requirements pursuant to collective bargaining, staff recommends amending the language in section 99.03, Exempt Activities, subsection G, as follows:

Landscape maintenance equipment within the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between 8:00 a.m. and 4:00 p.m. on Saturdays and Sundays, provided that all equipment is reasonably operated in accordance with the manufacturer's specifications and is equipped with all

noise-reducing equipment in proper condition.

This Ordinance will be scheduled for second reading on January 13, 2026. Thereafter, staff will be trained on the use of sound meters. An educational and warning period will commence before full enforcement of Ordinance 35-25.

City Attorney Review:

Approved as to form and legal sufficiency.