
Chapter 18 ENVIRONMENT¹

ARTICLE I. IN GENERAL

Sec. 18-1. Emission of particulate matter onto neighboring properties from construction work.

During the course of any construction or demolition work being performed on any property within the town, it shall be unlawful for the owner of the property, or his agents, employees or contractors, to cause, permit, or allow dust, sand, or other particulate matter to blow or enter upon neighboring properties in such a manner as to constitute an interference with the use and enjoyment of the neighboring property, or in a manner which will cause damage or destruction to the neighboring property, or to threaten the health and safety of any person. The emission of particulate matter from any source associated with the construction or demolition activity is prohibited, including, but not limited to, incidents caused by vehicular movement, transportation of materials, construction, alteration, demolition, or wrecking of buildings or structures, or the stockpiling of sand or dirt, without taking reasonable precautions to prevent such emissions or to preclude fugitive particulate matter that may trespass on neighboring properties during dry or windy weather. In the case of stockpiled particulate material, the materials shall be stabilized by adequate coverings, by wetting, or by chemical application.

(Code 1983, § 93.45; Code 1996, § 18-1)

Secs. 18-2—18-25. Reserved.

ARTICLE II. JUNKED, WRECKED OR ABANDONED PROPERTY²

DIVISION 1. GENERALLY

Sec. 18-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning described to them in this section, except where the context clearly indicates a different meaning:

Abandoned property means all tangible personal property which has been left abandoned and unprotected from the elements, and includes wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar articles. Operable motor vehicles, boats and trailers shall be deemed abandoned property when the tag for such vehicles is expired for more than 180 days. ~~and a reasonable inference can be drawn from the circumstances present that the vehicle in question has been abandoned.~~

¹State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; environment control, F.S. ch. 403.

²State law reference(s)—Lost or abandoned property, F.S. ch. 705.

(Code 1996, § 18-26; Ord. No. 198, § 1, 12-22-1998)

Sec. 18-27. Notice to remove.

- (a) Whenever it shall be ascertained that an article of abandoned property has been left on private property within the limits of the town, the town, [through its code enforcement board or designee](#), shall cause a notice to be placed upon such article, and a copy of such notice shall be mailed to the owner of the real property where the article is located. Such notice shall be on a form adopted by resolution of the town council from time to time, and shall include the following information:
- (1) Brief description of the property;
 - (2) Brief description of the location of the property;
 - (3) Basis of the violation;
 - (4) Time period for removal of the property;
 - (5) Notice of hearing before the code enforcement board [or designee](#) if property is not timely removed, including time, place and date of such hearing;
 - (6) Statement that the owner will be liable for the costs of removal and destruction.
- (b) The notice shall be not less than eight inches by ten inches in size and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, a reasonable effort to ascertain the name and address of the owner of the article shall be made, and, if such name and address are reasonably available, a copy of such notice shall be mailed by certified mail, return receipt requested, to the owner on or before the date of posting.

(Code 1996, § 18-27; Ord. No. 198, § 1, 12-22-1998)

Sec. 18-28. Removal by town.

- (a) If the article is not removed within the period of time specified in the notice (such period to be at least five days), the case shall be presented to the code enforcement board [or designee](#), at which time the owner of the article has the opportunity to contest the determination of the code enforcement officer [or designee](#), as well as to show reasonable cause for failure to remove the article within the time specified in the notice. The code enforcement board [or designee](#) may thereafter cause the article of abandoned property to be removed and disposed of by the town.
- (b) The owner of the abandoned property shall be liable to the town for all costs of removal and disposal of such property, less any salvage value received by the town. Upon such removal and disposal, the town administrator shall notify the owner of the amount owed and of the penalty provision for violation of this section. If payment is not received within 30 days of receipt of such notice, the amount shall constitute a lien against the real or personal property owned by the owner of the abandoned property, which lien may be foreclosed as provided by law. The salvage value, if any, of such article shall be retained by the town to be applied against the cost of removal and disposal thereof, unless the costs of removal and disposal are paid by the owner, in which case the salvage value may be deposited in the town general fund.

(Code 1996, § 18-28; Ord. No. 198, § 1, 12-22-1998)

Sec. 18-29. Public emergency.

In the event of a public emergency, such as fire, hurricane, the spread of infectious or contagious disease, or other public calamity, the town shall attempt to hold an expedited hearing on the violation, if possible, or the town may remove and dispose of abandoned property without prior notice to the property owner if the circumstances of such event warrant such action.

(Code 1996, § 18-29; Ord. No. 198, § 1, 12-22-1998)

Secs. 18-30—18-35. Reserved.

DIVISION 2. ABANDONED PROPERTY LEFT ON PUBLIC PROPERTY

Sec. 18-36. State law provisions adopted.

The provisions of F.S. ch. 705 regarding lost or abandoned property left on public property are adopted as amended by this article.

(Code 1996, § 18-36; Ord. No. 198, § 1, 12-22-1998)

Sec. 18-37. Public emergency.

In the event of a public emergency, such as fire, hurricane, the spread of infectious or contagious disease, or other public calamity, the town may remove and dispose of abandoned property without prior notice to the property owner if the circumstances of such event warrant such action.

(Code 1996, § 18-37; Ord. No. 198, § 1, 12-22-1998)

Secs. 18-38—18-40. Reserved.

DIVISION 3. ABANDONED REFRIGERATORS OR OTHER SIMILAR AIRTIGHT UNITS

Sec. 18-41. Unlawful to abandon refrigerators without removing doors.

It shall be unlawful for any person to abandon any refrigerator, icebox, home freezer, or other device having an airtight lid or door or to leave the device unused in a place accessible to children without having either removed the lid or door or the lock or catch or without having made the device inoperative in such fashion as to make the closing of its lid or door impossible. Any such airtight units from which the doors have not been removed are declared an attractive nuisance to children and a menace to their health and safety, and as such, the town may immediately remove the lid or door or take whatever measures are necessary to make the closing of the door impossible without prior notice to the owner of such property.

Secs. 18-42—18-50. Reserved.

ARTICLE III. LITTER³

Sec. 18-51. Duty to clear sidewalk; private property.

- (a) Any person, [condominium association or cooperative association](#) owning or occupying any buildings or other property shall keep the sidewalk in front of ~~his~~~~their~~ premises free and clear of litter.
- (b) The owner, [condominium association, cooperative association](#) or person in control of any private property, whether occupied or vacant, shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Code 1983, § 93.20; Code 1996, § 18-51)

[\(Cross Reference - Streets, sidewalks and other public places, ch. 38.](#)

Sec. 18-52. Depositing in public places; use of receptacles.

- (a) No person shall throw or deposit litter in or on any street, sidewalk, or other public place within the town, except in public receptacles or in authorized private receptacles for collection.
- (b) Persons placing litter in public receptacles or in authorized private receptacles shall do so in a manner to prevent such litter from being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

(Code 1983, § 93.21; Code 1996, § 18-52)

Sec. 18-53. Sweeping into streets or gutters.

No person, [condominium association or cooperative association](#) shall sweep into or deposit in any gutter, [drain](#), street, or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

(Code 1983, § 93.22; Code 1996, § 18-53)

Sec. 18-54. Vehicle deposits.

No person shall drive or move any vehicle within the town, the wheels or tires of which carry onto or deposit in any street or other public place mud, dirt, sticky substances, litter, or foreign matter of any kind.

(Code 1983, § 93.24; Code 1996, § 18-54)

Sec. 18-55. Littering beaches, rights-of-way, or bodies of water.

No person shall throw or deposit litter on any beach, right-of-way, or body of water within the town, except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the

³State law reference(s)—Florida Litter Law, F.S. § 403.413.

elements on any part of the beach, right-of-way, street, other public place, or body of water. Where public receptacles are not provided, all litter shall be carried away by the person responsible for its presence and properly disposed of elsewhere as provided in this article.

(Code 1983, § 93.26; Code 1996, § 18-55)

Sec. 18-56. Depositing on private property.

- (a) No person shall throw or deposit litter on any occupied private property within the town, whether owned by that person or not. However, the owner or person in control of private property may maintain thereon private receptacles for collection in a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk, or other public place or on any private property.
- (b) No person shall throw or deposit litter on any open or vacant private property within the town, whether owned by that person or not.

(Code 1983, § 93.27; Code 1996, § 18-56)

Sec. 18-57. Attaching handbills to, disfiguring utility poles.

It shall be unlawful to attach posters, [stickers, etc.](#) ~~or handbills to~~, or [to](#) cut, scratch, or otherwise disfigure, any ~~telegraph, telephone, electric light, signal, or other utility~~ pole or post, [public property or benches, garbage cans or dog waste receptacles](#) standing in any street or street right-of-way of the town.

(Code 1983, § 132.06; Code 1996, § 18-57)

Sec. 18-58. Merchants liable for violations by agents.

Any merchant who advertises his goods, wares, or merchandise by causing advertising material to be thrown or deposited in violation of any of the provisions of this article shall be guilty of violating this article, along with the person so throwing or depositing the advertising material.

(Code 1983, § 93.28; Code 1996, § 18-58)

Secs. 18-59—18-80. Reserved.

ARTICLE IV. NOISE⁴

Sec. 18-81. Construction or noisy work restricted to certain times.

- (a) No construction work or other activity which results in noise extending beyond the boundaries of the property on which the activity is being conducted shall begin within the town before 8:00 a.m. or continue after 5:30 p.m., nor shall such work or activity be conducted during any Sunday, or on the following federal

⁴State law reference(s)—Motor vehicle noise, F.S. § 316.293; motor vehicle noise prevention and control, F.S. § 403.415 et seq.

holidays: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

- (b) This prohibition shall apply to all construction work and activity, and to all forms of labor employed thereon.
- (c) In the event of an emergency, the building official may issue a permit for emergency repairs to be undertaken, which repairs may be conducted at any time notwithstanding the foregoing prohibition.

(Code 1983, § 94.01; Code 1996, § 18-81; Ord. No. 179, § 1, 11-28-1995)

Sec. 18-82. Certain machinery restricted as to hours of operation.

- (a) No person shall operate or cause to be operated within the town on any Sunday, or federal holidays as heretofore set forth in this Code, any of the following machinery or construction equipment:
 - (1) Dredges.
 - (2) Pile drivers.
 - (3) Gasoline or ~~steam~~-diesel engines.
 - (4) Any other class of machinery.
- (b) On days other than Sundays, and federal holidays, the foregoing machinery and equipment may be operated but the operation shall not commence before 8:00 a.m. or continue after 5:30 p.m.
- (c) In the event of an emergency, the building official may issue a permit for emergency repairs to be undertaken, and in connection therewith, the foregoing machinery and equipment may be used notwithstanding the foregoing prohibition.
- (d) The provisions of this section do not prohibit the operation of passenger motor vehicles or trucks.

(Code 1983, § 94.02; Code 1996, § 18-82; Ord. No. 179, § 2, 11-28-1995)

Sec. 18-83. Measurement criteria.

- (a) *Use of sound level meter authorized.* Measurement of noise within the town may be made with a sound level meter using the "A" scale (dBA) and/or an octave band (frequency) analyzer meeting the standards prescribed by the American Standards Association. Measurement and recordation of any noise which has the possibility of annoying, disturbing, being injurious or endangering the comfort, repose, health, peace or safety of others shall be measured and recorded at the property line of the private property where such noise originates or shall be measured and recorded at the property line of the adjacent private property if such noise is originating from any public road, street or property.
- (b) *Nonvehicular noise.* In the use of a sound level meter, the following criteria shall be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels emanating from other than motor vehicles, with the exception of lawn maintenance equipment: Maximum level of dBA, day or night, is 60.
- (c) *Vehicular noise.* In the use of a noise level meter to measure noises emitted by motor vehicles, the criteria to be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels shall be as prescribed by F.S. § 316.293.

(Code 1996, § 18-83; Ord. No. 159, § 1, 5-26-1992)

Sec. 18-84. Lawn maintenance equipment.

Operation of lawn maintenance equipment shall be permitted during the hours outlined for construction work at section 18-81. The term "lawn maintenance equipment," as used in this section, includes, but is not limited to, lawnmowers, edgers, hedge trimmers, yard tractors, leafblowers, lawn vacuum machines, and monofilament line grass trimmers.

(Code 1996, § 18-84; Ord. No. 159, § 1, 5-26-1992)

Sec. 18-85. Tennis ball machines.

Operation of tennis ball machines shall be permitted during the hours outlined for construction work at section 18-81, with the exception that such machines shall be permitted on Sundays and all legal holidays.

(Code 1996, § 18-85; Ord. No. 159, § 1, 5-26-1992)

Sec. 18-86. Prohibited noise generally.

It shall be unlawful for any person to make, continue, or cause to be made or continued:

- (1) Any loud or raucous sound;
- (2) Any sound which tends to annoy the community or injure the health of the citizens in general; or
- (3) Any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities.

(Code 1996, § 18-86; Ord. No. 159, § 1, 5-26-1992)

[Cross Reference: Animals, Ch. 6.](#)

Sec. 18-87. Specific acts prohibited.

The following acts shall be unlawful, whether or not such acts constitute a violation of section 18-86:

- (1) *Playing of radio, television, musical instruments, etc.* The playing of any radio, television ~~, phonograph, compact disc player, tape player, musical instrument~~ [audio or visual equipment](#), or other soundmaking device which is audible within any receiving dwelling, ~~hotel,~~ or other type of residence between the hours of 12:00 midnight and 7:00 a.m.; or at any time so that the sound created by such device violates the standards set forth in section 18-86.
- (2) *Loudspeakers, amplifiers for advertising.* The playing, using or operating, or permitting the playing, using or operating, of any radio or television receiving set, musical instrument ~~, phonograph, compact disc player, loudspeaker, sound amplifier or other machine~~ [or audio or visual equipment](#) ~~or device for the producing or reproducing of sound~~ which is cast upon the public streets for the purpose of advertising or attracting the attention of the public to any building or structure.
- (3) *Loading and unloading operations.* The creation at any time of loud and raucous sound in connection with loading or unloading any vehicle, or the opening and destruction of bales, crates or containers.
- (4) *For attracting attention.* The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or soundmaking device for the purpose of attracting attention to any performance, show, sale, display or merchandise.

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- (5) *Blowers, internal combustion engines.* The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the sound from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
 - (6) *Operation of soundmaking devices in public areas.* The operation of radios or tape players or other mechanical soundmaking devices or instruments in or upon a public street, highway, building, sidewalk, park, thoroughfare or other public area or located in or upon a public access area, such as a parking lot, etc., if such sound can be heard from more than 50 feet, measured in a straight line from its source.
 - (7) [Any sound by any animal or fowl which shall disturb the comfort or rest of any reasonable person of ordinary sensibilities in the vicinity with frequent or long-continued noises of any kind whatsoever, including the barking, howling, yelping or crowing of any animal or fowl.](#)

(Code 1996, § 18-87; Ord. No. 159, § 1, 5-26-1992)

State law reference(s)—Noise from car radios, etc., F.S. § 316.3045.

[Cross Reference: Animals, Ch. 6.](#)

Sec. 18-88. Enclosure of certain machinery.

All automatic, semiautomatic or manually controlled heaters or refrigeration machinery and compressors and other machinery which emit noise in the operation thereof shall be installed and operated either within the confines of the building served by such equipment or, if placed outside of such building, shall be housed within a structure, soundproofed to the extent that the operation of such machinery will not disturb persons residing in the vicinity thereof by the normal use of their property.

(Code 1996, § 18-88; Ord. No. 159, § 1, 5-26-1992)

Sec. 18-89. Exemptions.

The following are exempt from this article:

- (1) Emergency work which shall include work made necessary to restore property to a safe condition following a natural disaster or other calamity; work required to protect persons or property from imminent danger caused by hurricanes, tornados, floods or other natural disaster or other calamity, or work by private or public utilities when installing or restoring utility service;
- (2) The use of an emergency generator during a declared state of emergency or when electrical service to the property has been lost; and
- (3) Emergency generator testing which requires generators to be started and exercised. Such tests shall not occur more than one time per week and shall not exceed 30 minutes per week.

(Ord. No. 308 , § 2, 2-8-2022)

Secs. 18-90—18-110. Reserved.

ARTICLE V. DEBRIS, RUBBISH, WEEDS

Sec. 18-111. Removal of rubbish, stagnant water and weeds; notice.

- (a) *Removal required.* The presence of debris, rubbish, trash, tin cans, papers, stagnant water, vines, underbrush, weeds, wild growth or grass in excess of 12 inches in height from the ground on any lot, tract or parcel of land within the town shall be unlawful and is hereby prohibited and declared to be a public nuisance to the extent that it constitutes a menace to life, property, the public health or the public welfare; creates a fire hazard; or provides a nest or breeding ground for sandflies, mosquitoes, rats, mice, other rodents, snakes or other types of pests and vermin.
- (b) *Notice to remove.* The town administrator is hereby authorized and empowered to notify, in writing, the owner of any lot, place or area within the town, or the agent of such owner, to cut, destroy, remove or alleviate conditions existing on such lot, place or area within the town as described in subsection (a) of this section. Such notice shall be by registered or certified mail, addressed to the owner or the agent of the owner at his last known address.
- (c) *Removal by town.* Upon the failure, neglect or refusal of any owner or agent notified pursuant to subsection (b) of this section to remove and eliminate the conditions described in subsection (a) of this section within the time limit stated in the notice, the case shall be presented to the code enforcement board or designee, at which time the owner of the property or his agent has the opportunity to contest the determination of the code enforcement officer or designee, as well as to show reasonable cause for failure to remedy the violation within the time specified in the notice. The code enforcement board or designee may thereafter authorize the town to contract and pay for such maintenance and bill the property owner or his agent. If payment is not received within 30 days of receipt of such bill, the charges for such services shall be a lien against the property on which the nuisance was located, which lien may be foreclosed as provided by law.
- (d) *Fines.* In addition to charging the property owner or agent for services contracted by the town to remedy the nuisance, the code enforcement board or designee may fine the property owner or agent any amount permitted by law.

(Code 1983, §§ 93.35—93.37; Code 1996, § 18-111; Ord. No. 198, § 1, 12-22-1998)

Sec. 18-112. Public emergency.

In the event of a public emergency, such as fire, hurricane, the spread of infectious or contagious disease, or other public calamity, the town shall attempt to hold an expedited hearing on the violation, if possible, or the town may remove and eliminate the conditions described in section 18-111(a) without prior notice to the property owner if the circumstances of such event warrant such action.

(Code 1996, § 18-112; Ord. No. 198, § 1, 12-22-1998)

Sec. 18-125. Code adopted; applicability.

- (a) The International Property Maintenance Code (IPMC), most current edition, as published and amended from time to time, is hereby adopted, as amended herein, by reference as the property maintenance code of the Town of South Palm Beach. To the extent that the IPMC conflicts with the provisions of any town ordinance or Code, the town ordinance or Code shall apply.
- (b) In the event ~~an~~ any provision or portion thereof of the IPMC conflicts with any county ordinance, statute, rule or regulation applicable to the town (collectively, "applicable town laws"), the applicable town laws will prevail and apply.

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- (c) In the event any provision of the IPMC conflicts with the Florida Building Code, the provisions of the Florida Building Code, as amended and adopted by the town, will prevail and apply. Any reference to the International Building Code or International Existing Building Code is replaced with the Florida Building Code, as adopted ~~b~~by the town.
- (d) The town has adopted the fire code adopted by Palm Beach County as set forth in chapter 12, article IV of the Palm Beach County Code of Ordinances. In the event any provision of the IPMC conflicts with the fire code, the fire code will prevail and apply. Any reference to the International Fire Code is hereby replaced with the Palm Beach County Fire Code.
- (e) The IPMC is hereby further amended as follows:
- (1) Sections 102.1 *General*, 102.3 *Application of other codes*, 102.8 *Referenced codes and standards*, 103.2 *Appointment*, 103.3 *Deputies*, 104 *Fees*, 105.7.1 *Legal defense*, 107 *Appeal*, 108 *Board of Appeals*, 109 *Violations*, 111 *Unsafe Structures and Equipment*, 112 *Emergency Measures*, 113 *Demolition*, 201.3 *Terms defined in other codes*, 302.4 *Weeds*, 303.2 *Enclosures*, 308 *Rubbish and Garbage*, and 606 *Elevators, Escalators and Dumbwaiters*, Chapter 7 *Fire Safety Requirements*, and Appendix B *Board of Appeals* of the IPMC are hereby excluded and are not adopted by the town. Any reference to any of these deleted provisions in this code is hereby replaced with the applicable provision of the town ordinance or Code or other law, rule or regulation applicable to the town.
 - (2) Section 101.1 *Title*. These regulations shall be known as the Property Maintenance Code of the Town of South Palm Beach, Florida, hereinafter referred to as "this code."
 - (3) Section 103.1 *Code enforcement*. The building official and code inspectors shall enforce this code. The town manager will oversee and direct the administration, enforcement and amendment of this code. Wherever the term "code official" appears in the IPMC, such term is considered the same as "code inspector," "code enforcement officer," "building inspector," and "building official" respectively.
 - (4) Section 304.14 *Insect screens*. Year round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and ~~even~~every screen door used for insect control shall have a self-closing device in good working condition.
 - (5) Section 602 *Heating Facilities* is excluded from adoption, however, a supply of heat, available year round, is required.
- (f) Any section of the IPMC or portion thereof that is not amended or excluded herein shall remain valid and in effect.
- (g) The IPMC shall apply to all private property within the town.
- (h) It is unlawful for any person, business, or entity to conflict with or be in violation of this article and the IPMC, as adopted. The town may enforce violations of this article pursuant to chapter 2, article IX of the Code and/or any other available remedy at law or in equity.

(Ord. No. 310 , § 2, 5-9-2023)