

ORDINANCE NO. 25-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE GENERAL ORDINANCES, SECTION 1-15, "GENERAL PENALTY, CONTINUING VIOLATIONS," OF CHAPTER 1, "GENERAL PROVISIONS," TO UPDATE PENALTIES AND ENFORCEMENT MECHANISMS AND SECTION 38-37, "LOUD, DISTURBING OR UNNECESSARY NOISES," OF ARTICLE III, "NOISE," OF CHAPTER 38, "NOISE," TO ELIMINATE THE REQUIREMENT FOR SWORN AFFIDAVITS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona, Florida (the "City"), adopted Section 1-15, "General penalty; continuing violations," and Chapter 1, "General Provisions" within its General Ordinances; and

WHEREAS, Section 162.22, Florida Statutes, authorizes a municipality to designate the enforcement methods and penalties to be imposed for the violation of ordinances adopted by the municipality. These enforcement methods may include, but are not limited to, the issuance of a citation, a summons, or a notice to appear in county court or arrest for violation of municipal ordinances; and

WHEREAS, Section 162.09(2)(d), Florida Statutes, authorizes a municipality with a population equal to or greater than 50,000 to adopt, by a vote of at least a majority plus one of the entire governing body of the municipality, an ordinance that gives code enforcement boards or special magistrates, or both, the authority to impose fines that shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature; and

WHEREAS, the City has a population greater than 50,000 and desires to invoke its authority pursuant to Section 162.09(2)(d), Florida Statutes, to increase the range of a code enforcement fines for first time violations, repeat violations, and an irreparable or irreversible violations, consistent with said Florida statute; and

WHEREAS, the City Commission finds that providing its Code Enforcement Officers and the Special Masters with the ability to apply a wider range of fines on a case-by-case basis will improve overall code compliance within the City; and

WHEREAS, the City Commission finds that providing other authorized enforcement officers with the clear ability to issue civil citations and fines for violations of municipal ordinances will improve overall code compliance within the City; and

WHEREAS, Section 1-15, "General penalty; continuing violations," and Chapter 1, "General Provisions" shall be amended accomplish these goals; and

WHEREAS, the City adopted Section 38-73, "Loud, disturbing, or unnecessary noises," Article III, "Noise," and Chapter 38, "Environment" within its General Ordinances; and

WHEREAS, the City desires to prevent excessive or disturbing noise from disrupting the tranquility of its neighborhoods; and

WHEREAS, the City desires to amend Section 38-73, "Loud, disturbing, or unnecessary noises," of Article III, "Noise," of Chapter 38, "Environment," to eliminate the requirement for a sworn affidavit to enforce complaints; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts modifications to Section 1-15, "General penalty; continuing violations," of Chapter 1, "General Provisions" and Section 38-73, "Loud, disturbing, or unnecessary noises," of Article III, "Noise," of Chapter 38, "Environment," of the General Ordinances, as set forth in "Exhibit A" attached hereto.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2025.

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

TG Law, PLLC, CITY ATTORNEY

Sec. 1-15. General penalty; continuing violations.

(a) Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provision of this Code shall be punished by:

(1) a civil citation and fine not exceeding \$500.00; or or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court.

(2) an administrative fine not exceeding \$1,000.00 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In determining the amount of the fine, if any, the code enforcement board or special magistrate shall consider the following factors:

a. The gravity of the violation;

b. Any actions taken by the violator to correct the violation; and

c. Any previous violations committed by the violator.

Each day any violation of any provision of this Code shall continue shall constitute a separate offense.

(b) In addition to the penalties provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

State law reference(s)—Fines and forfeitures in county court payable to municipality, F.S. § 34.191; municipal ordinance violations, F.S. § 162.22; administrative fines; costs of repair; liens, F.S. § 162.09~~punishment for misdemeanors, F.S. §§ 775.082, 775.083.~~

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Sec. 38-73. Loud, disturbing or unnecessary noises.

- (a) Some sounds may be such that they are not measurable or may not exceed the limits set out in this article, but they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare or prosperity of the residents of the city.
- (b) With the exception of those exemptions provided by state law, noises prohibited by this article are unlawful notwithstanding the fact that no violation of section 38-71 is involved, and notwithstanding the fact that the activity complained about is exempted in section 38-71(d).
- (c) Thus, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive:
 - (1) The sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning;
 - (2) Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 p.m. and 7:00 a.m., in such a manner as to cause a noise disturbance to any resident or guest across a residential or tourist property boundary, except for emergency work by public service utilities, by government agencies, or by special permit approved by the city;
 - (3) The sounding of any signaling device for any unnecessary or unreasonable period of time;
 - (4) The unreasonable use of any signaling device;
 - (5) The using, operating or permitting to be played, used or operated of any radio, television, tape or record player, amplifier, musical instrument or other machine or device used for the production, reproduction or emission of sound;
 - (6) Any prolonged sounds made by people; and
 - (7) The keeping of any animal that causes frequent or long, continuous noise in such a manner as to disturb the public peace, quiet and comfort of the neighboring inhabitants or at any time with greater intensity than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such sound emitter is operated and who are voluntary listeners thereto. Quieter standards are expected during nighttime hours.
- ~~(d) Any person making a complaint under this section must sign a sworn affidavit prior to a warrant being issued, otherwise no such complaint will be honored.~~