

Chapter 17 - NOISE CONTROL^[1]

Footnotes:

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Editor's note— Ord. No. C-08-37, § 1, adopted July 15, 2008, repealed Ch. 17, in its entirety, which pertained to noise control. Section 2 of said ordinance enacted provisions designated as a new Ch. 17 to read as herein set out. See also the Code Comparative Table.

Cross reference— Permit to operate loudspeaking device on aircraft, § 7-9; noise abatement for aircraft, § 7-160; sounding of railroad whistles and horns, § 16-17; sound devices on vehicles and aircraft, § 16-78; nuisances, Ch. 18.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; motor vehicle noise, F.S. § 316.293.

Sec. 17-1. - Definitions.

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

A-weighted sound level means the sound level as measured with the A-weighting network on a sound level meter meeting the standards set forth in the American National Standards Institute (ANSI) S1.4-1983 or its successors. The unit of reporting is dBA. Sounds measured with the "A" weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity without an amplified low frequency component.

Ambient sound level means that measured value which represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and those from the source under investigation. Ambient sound level is synonymous with background sound level. Ambient sounds are differentiated from extraneous sounds by the fact that the former are of a more steady state, although they may not be continuous.

Amplified sound means the reproduction of sound from any radio, stereo, CD player, DVD player, microphone, drum, turn table, audio or visual equipment, musical instrument, sound equipment, sound amplification device, television set, exterior loudspeakers, bullhorn or any similar device.

Backup alarm means an audible safety device designed to alert people that a vehicle is operating in reverse, meeting Occupational Safety and Health Administration (OSHA) rules at 29 CFR Part 1926.601(b)(4) and 29 CFR Part 1026.602(a)(9), which require, in part, that: the vehicle has a reverse signal alarm audible above the surrounding noise level.

C-weighted sound level is the sound level as measured using the "C" weighting network with a sound level meter meeting the standards as set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dBC. The "C" weighting network is more sensitive to low frequencies than the "A" weighting network.

Continuous sound means any sound with a duration of more than one (1) second, as measured with a sound level meter set to the "slow" meter response.

Decibel means a logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.

Emergency energy release device means a device used specifically to release excess energy on a non-scheduled basis as necessary for purposes of safety.

Extraneous sound means a sound of high intensity and relatively short duration which is neither part of the ambient sound, nor comes from the sound source under investigation.

Impulsive sound means a sound that has a duration of less than one (1) second and comes from the sound source under investigation.

LMAX means the maximum sound level measured during the sound measurement period.

Mechanical device means any device that transmits or modifies energy.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels; with a motor rated not in excess of two (2) brake horsepower and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; as defined in F.S. § 316.03, as may be amended from time to time.

Motor vehicle means any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped; as defined in F.S. § 316.03, as may be amended from time to time.

Motorboat means any vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is on actual operation; as defined in F.S. § 327.02, as may be amended from time to time.

Motorcycle means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or moped; as defined in F.S. § 316.03, as may be amended from time to time.

Motorized scooter means any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground; as defined in F.S. § 316.03, as may be amended from time to time.

Mixed-use property means more than one (1) type of use in a building or set of buildings; some combination of residential and non-residential use.

Multifamily dwelling means any building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for cooking on the premises. This includes apartments, condominiums and coach homes, but does not include hotels, motels, bed and breakfast, townhouse, or cluster dwellings.

Noise means, for the purposes of this chapter, any sound that is in violation of any provision of this chapter.

Noise control officer means environmental inspectors, building and zoning inspectors, code enforcement officers and police enforcement personnel authorized to enforce provisions of this code.

Noise disturbance means any sound which is unreasonably loud, raucous, or jarring to reasonable persons of ordinary sensibilities, or any sound which affects the health, safety, or welfare of other persons, or exceeds the noise levels as defined in [section 17-6](#).

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties.

Public right-of-way and *public space* means land conveyed or dedicated by plat, deed, easement or other conveyance which is devoted to, required for or intended for the use by the public as a means of public traverse and other public purposes.

Real property line means either (a) the boundary line of a parcel; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multifamily dwelling; or (c) on a mixed-use property, the interface between the two (2) portions of the property on which different categories of activity are being performed.

Single-family dwelling is a dwelling unit designed for or occupied by one (1) family and includes standard, detached, and attached dwellings.

Single-family dwelling (attached) is a one-family dwelling attached to another one-family dwelling by a common vertical wall and where each unit is located on a separate plot. Single-family dwellings that are attached include duplex, cluster, and townhouse dwellings.

Sound means oscillations in pressure in a medium with elasticity and viscosity, such as air, that evoke auditory sensation in the human ear.

Sound level meter means an instrument that measures sound and conforms to ANSI S1.4-1983 or its successor publications.

Total sound level means that measured level which represents the summation of the sounds from the sound source under investigation and the ambient sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Vessel means every watercraft, barge, and airboat, used or capable of being used as a means of transportation on water, as defined in F.S. § 327.02, as may be amended from time to time.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-2. - Penalties.

Any person who violates any provision of this chapter and who shall be found violating or found in violation of any provision of this chapter shall be subject to the penalties as prescribed in section 1-6 and/or Chapter 11 of this Code.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-3. - Noise control officers.

- (a) The noise control program established by this chapter shall be administered and enforced by noise control officers.
- (b) The noise control officers shall have the power to investigate and pursue possible violations of this ordinance and initiate enforcement under this chapter.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-4. - Sound level measurement.

Sound level measurement shall be made with a sound level meter using the "A" weighting scale or "C" weighting scale, as specified in this chapter for the specific sound source being investigated.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-5. - General prohibitions.

It shall be unlawful for any person to make or continue or cause to be made or continued any noise disturbance within the limits of the city.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-6. - Maximum permissible dBA sound levels.

Notwithstanding any other provision in this chapter, it shall be unlawful, except as expressly permitted herein, to cause, allow, or permit the making of any sound which exceeds the limits set forth in this section.

TABLE I
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS dBA

USE	TIMES	OUTDOOR	INDOOR
Residential	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	60 dBA* 50 dBA	45 dBA 35 dBA
Commercial	24 hours	65 dBA	55 dBA
Industrial	24 hours	75 dBA	65 dBA

* If the residential use is within a commercial, industrial, or mixed use, or within two hundred (200) feet of such use, the outdoor sound level limit is sixty-five (65) dBA between 7:00 a.m. to 10:00 p.m.

Sound level measurements shall be taken as follows:

- a. The sound level limit for the complainant's use shall apply.
 - b. Outdoor sound level measurements shall be taken on or within the real property line of the complainant.
 - c. Indoor sound level measurements shall apply when the sound source is on or within the same parcel of land as the complainant or when the real property line between the sound source and the complainant is a common wall, floor, or ceiling. Indoor sound level measurements shall be taken within the premises of the complainant.
 - d. Three (3) measurements of the normal, usual operation of the sound source under investigation shall be taken. The metric that shall be applied is LMAX. Each of the three (3) measurements shall be no less than thirty (30) seconds in duration, and all three (3) measurements shall be taken within any one-hour period. If the sound source under investigation is of a total duration of less than ninety (90) seconds, one thirty-second measurement shall be sufficient.
1. *Impulsive sound:*
 - a. Between the hours of 7:00 a.m. and 10:00 p.m. daily, impulsive sounds which occur ten (10) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.
 - b. Between the hours of 10:00 p.m. and 7:00 a.m. daily, impulsive sounds which occur four (4) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.
 2. *Steady pure tones:* If the sound source under investigation is a mechanical device, excluding HVAC equipment on residential property, and is emitting a sound with a steady tonal quality which does not fluctuate more than plus or minus three (3) dBA, the permissible sound level limits in Table I shall be reduced by five (5) dBA.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-7. - Specific restrictions.

1. *Amplified sound.* No person shall cause, allow, or permit the operation of any amplified sound device from the following use districts or locations in the following manner:
 - a. *Residential use:*
 - i. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
 - ii. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.
 - b. *Rights-of-way.* Sound shall not be plainly audible at a distance of twenty-five (25) feet or more from a motor vehicle or any other sound source.
 - c. *Special entertainment overlay district.* When measured at a distance of five (5) feet from the building, structure or establishment from which the sound is emanating:
 - i. *Sound shall not exceed:*
 1. Eighty-five (85) dBA or ninety-five (95) dBC Monday through Thursday from 12:00 p.m. to 12:00 a.m. the following day:
 2. Seventy (70) dBA or eighty (80) dBC Monday through Thursday from 12:00 a.m. to 2:00 a.m.
 3. Sixty-five (65) dBA or seventy-five (75) dBC Monday through Thursday from 2:00 a.m. to 12:00 p.m.
 - ii. *Sound shall not exceed:*
 1. Eighty-five (85) dBA or ninety-five (95) dBC Friday through Sunday and legal holidays (as provided by state law), from 12:00 p.m. to 1:00 a.m. the following day:
 2. Seventy (70) dBA or eighty (80) dBC Friday through Sunday and legal holidays (as defined by state law), from 1:00 a.m. to 3:00 a.m.
 3. Sixty-five (65) dBA or seventy-five (75) dBC Friday through Sunday and legal holidays (as defined by State law), from 3:00 a.m. to 12:00 p.m.
 - d. *Commercial, mixed-use, or industrial uses.* No person shall cause, allow, or permit the operation of any amplified sound device in such a manner that it exceeds the following sound level limits:
 - i. From 12:00 p.m. to 10:00 p.m. daily: sound levels shall not exceed sixty (60) dBC when measured within the premises of a complainant.
 - ii. From 10:00 p.m. daily to 12:00 p.m. the following day: sound levels shall not exceed fifty-five (55) dBC when measured within the premises of a complainant.
 - iii. Sound level limits in Table 1 shall apply when sound level measurements are taken outdoors at or within the property line of the complainant.
2. *Animals.* Unless unreasonably provoked, it shall be unlawful for any person to own, keep, possess or maintain any domesticated animal which vocalizes (howls, yelps, barks, squawks, or other noise) and the vocalizing is plainly audible at or within the property line of the complainant; and:
 - a. The vocalizing is for more than five (5) minutes without interruptions, defined as an average of four (4) vocalizations per minute; or
 - b. The vocalizing is two (2) times or more per minute for twenty (20) consecutive minutes.
3. *Commercial sanitation operations.* No person shall cause, allow, or permit the loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or recyclable containers, between the hours of 10:00 p.m. and 7:00 a.m. daily when such operations are conducted on a property located within two hundred fifty (250) feet of a residential use.

4. *Construction:*

- a. No person shall operate or cause to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
- b. It shall be unlawful for any person to operate or cause to be operated equipment for the aforementioned uses Monday through Saturday before 8:00 a.m. or after 7:00 p.m. and Sunday before 10:00 a.m. or after 7:00 p.m., except for public works transportation projects that are approved pursuant to section 17-9.

5. *Emergency generators:*

- a. Testing of generators shall be conducted for the minimum duration and at the minimum frequency recommended by the manufacturer, but in no case shall said testing exceed one (1) hour in any one (1) day.
- b. Testing shall only be conducted between the hours of 10:00 a.m. and 7:00 p.m. daily.
- c. The sound emissions from generators shall not exceed sixty-eight (68) dBA when measured at a distance of twenty-three (23) feet from the generator.
- d. When the generator is located on the same parcel as the complainant, the indoor sound level limits in Table 1 shall apply.

6. *Heating, ventilation, and air conditioning (HVAC) equipment on residential property.* No person shall operate or cause to be operated any HVAC equipment on residential property which exceeds forty (40) dBA between the hours of 10:00 p.m. and 7:00 a.m. daily when measured within the premises of a complainant.

7. *Landscaping and yard maintenance power tools or motorized equipment.* No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment Monday through Friday before 7:00 a.m. or after 7:00 p.m. and Saturday and Sunday before 8:00 a.m. or after 6:00 p.m. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.

8. *Motorboat.* No person shall operate or cause to be operated any motorboat in any lake, river, stream, or other waterway which is not muffled pursuant to F.S. § 327.65.

9. *Motor vehicles, motorcycles, mopeds and motorized scooters.* No person shall cause a rapid throttle advance (revving) of an internal combustion engine resulting in a noise disturbance.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-8. - Exemptions.

1. Construction operations between 8:00 a.m. and 7:00 p.m., Monday through Saturday and between 10:00 a.m. and 7:00 p.m. on Sunday for which building permits have been issued, or construction operations not requiring permits due to the scope of work or ownership of the project by an agency of government; providing all equipment is operated in accordance with its manufacturers' specifications, uses as standard equipment its manufacturers' mufflers and noise-reducing equipment, and is in proper operating condition.
2. Emergency energy release devices.
3. Facility-wide warning devices.
4. Back-up alarms so long as they are self-adjusting to ambient sound levels and meet the requirements of OSHA standards.
5. Noises arising from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
6. Noise caused in the performance of emergency work, at the site of the emergency, for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition.
7. All noises coming from the normal operations of an aircraft.

8. Motor vehicles, mopeds, or motorized scooters as defined herein and muffled in accordance with state law.
9. Vessels operated on the waterways within the city limits which are muffled pursuant to F.S. § 327.65, as may be amended from time to time.
10. Impulsive sound resulting from the controlled detonation of explosives at quarries and construction sites.
11. Sanitation operations which include the unloading, emptying or collection of any waste or recyclable container between the hours of 7:00 a.m. and 10:00 p.m. daily.
12. The sound emissions of emergency generators shall be exempt when there is loss of power for any cause other than non-payment of utility services. The testing of emergency generators shall be conducted pursuant to section 17-7(e).
13. Landscaping and yard maintenance power tools or motorized equipment between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 8:00 a.m. and 6:00 p.m. Saturday and Sunday. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-9. - Construction of large public works transportation projects.

- (a) When a public transportation project that cannot reasonably be constructed within the noise limitations set forth in Chapter 17, is to be constructed and the project is one that substantially impacts vehicular or vessel traffic for a period of time that exceeds one hundred eighty (180) days, the city commission may determine that special circumstances exist and approve a noise management plan that establishes project-specific noise regulations, which will apply instead of the other regulations contained herein.
- (b) Consideration of an application for relief from the requirements of Chapter 17 of the Code of Ordinances of the City of Fort Lauderdale shall be initiated by filing an application for approval by the public entity wishing to construct the transportation improvement, with the city engineering division. An application shall include a noise management plan that shall include the following elements:
 - (1) A conceptual site plan showing the size and location of all structures and infrastructure improvements to be constructed under the proposed project;
 - (2) A legal description of the property where the project is occurring;
 - (3) A description of the need for the public improvement;
 - (4) A description of the economic and environmental impact on the area as a result of improvement;
 - (5) A description of the noise regulation(s) from which relief is necessary in order to construct the improvement and a description of the proposed regulations that the project shall meet during construction;
 - (6) A description of the anticipated noise impact of the construction on adjacent properties;
 - (7) A description of how the noise management plan mitigates negative impacts that might occur;
 - (8) A description of the continuous noise-monitoring program proposed for the construction period, which measure noise levels as well as makes an audio recording of the noise;
 - (9) The results of a baseline ambient, A-weighted sound levels noise study, in the project area of continuous duration, at monitoring sites, said study to be previously approved by the city engineer;
 - (10) A description outlining the resources of the applicant to monitor noise and implement the noise management plan, which shall include the identification of noise control officers; and
 - (11) An estimate of the cost and time savings that will result from the adoption of the noise management plan.
- (c)

The application shall be reviewed by the city department responsible for review of development permits for a determination that the application is complete and then forwarded when complete to the development review committee (DRC). After review and comments by the DRC, the application shall be forwarded to the city commission.

- (d) The city commission shall hold one (1) public hearing to consider a resolution approving the noise management plan and shall provide notice of hearing to owners of property within three hundred (300) feet of the boundaries of the public works transportation project. For purposes of notification, the owners shall be considered to be the names shown on the property appraiser's tax rolls as such are known by the city. Except as otherwise required by law, condominium, cooperative and time-share associations shall be notified as one entity and that entity shall be responsible for notifying individual owners or members of their association. The notice shall be mailed to the address shown at least ten (10) days before the date of the hearing.
- (e) The city commission may approve, or approve with conditions, the noise management plan based on the following findings:
- (1) There is a need for the public works transportation project and the project is of such large size and that its duration is for more than one hundred eighty (180) days such that special circumstances exist.
 - (2) On-site improvements have been incorporated into the noise management plan that minimize the impact of construction noise.
 - (3) The noise management plan represents a viable and cost-effective plan that balances the need for the public improvement to be constructed in a reasonable period of time versus the noise to be produced and hours of construction, which impact adjacent properties.
 - (4) Off-site or on-site conditions exist that reduce the noise impact if any, and to the extent possible, the noise management plan utilizes those conditions.
 - (5) That the noise management plan provides for the continuous monitoring of noise during the project construction period, the data from which shall be provided to the city by a direct, real-time, hook-up between city and applicant's computer system in a computer readable format, compatible with the city's noise monitoring system.
- (f) Any person involved with a public entity transportation construction project who has been convicted of violating any of the terms or conditions of an approved noise management plan, by a court of competent jurisdiction, may be cause for the city commission to revoke such public entity's noise management plan. Upon such a conviction, the city manager may place on the city commission agenda the matter of revoking the plan. After consideration of the matter and allowing representatives of the public entity to be heard, the city commission by resolution may revoke or place conditions upon the noise management plan. The factors to be considered by the city manager and the city commission shall include the number and seriousness of the specific noise management plan violations of which a person involved with the public entity's project has been convicted of violating, whether the penalty imposed pursuant to the conviction has been satisfied, whether the public entity has made modification to its operations to conform to the requirements of the noise management plan and based on the foregoing criteria, the danger to the health, safety, and welfare of the public due to continued operation by the public entity pursuant to its noise management plan.

(Ord. No. C-08-37, § 2, 7-15-08)

Sec. 17-10. - Construction of large projects; noise management plan; exemption for time to comply.

Upon good cause shown by the owner of any noise source when a noise management plan has been approved by the city commission, the city manager shall have the power to grant a special permit, which provides an exemption from the provisions of an approved noise management plan in order to allow sufficient time for the installation of necessary equipment, facilities, or modifications to achieve compliance. Provided however, the aforementioned special permit shall not be granted for a period of time to exceed fifteen (15) days from the date said exemption is granted, but such exemption may be renewed for an additional fifteen-day period of time if satisfactory progress towards compliance is shown. Approval of special permit shall be based upon cases of

necessity or in the interest of public health, safety and convenience. In the issuance of such permit(s), the city manager shall weigh all facts and circumstances and shall determine whether the reasons given for the necessity are valid and reasonable, whether the public health, safety and convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship upon such party.

(Ord. No. C-08-37, § 2, 7-15-08)