

ARTICLE II. - NOISE CONTROL

FOOTNOTE(S):

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Editor's note—Ord. No. 5207, § 1, Sept. 20, 2010, amended art. II in its entirety to read as herein set out. Former art. II, §§ 70-41—70-53, pertained to similar subject matter, and derived from: Ord. No. 3717, §§ 1—13, adopted May 20, 1996.

Sec. 70-41. - Title.

This article shall be known and may be cited as the Lakeland Noise Control Ordinance.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-42. - Findings of fact.

The foregoing findings are incorporated herein by reference and made a part hereof.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-43. - Authority.

This article is enacted pursuant to Article II, Section 7, of the Florida Constitution, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise, and under the Home Rule Powers Act, F.S. § 166.021.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-44. - Scope.

This article shall be effective throughout the incorporated areas of Lakeland, Florida.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-45. - Definitions.

As used in this article, the following terms shall have the following meanings:

- (1) *Noise disturbance* is any sound which is:
 - a. Unreasonably loud and disturbing;
 - b. Of such character, quantity, or duration as to be injurious to human or animal life, or property;
 - c. Of such character, quantity, or duration as to unreasonably interfere with the comfortable enjoyment of life or property; or
 - d. Of such character, quantity, or duration as to unreasonably interfere with the normal conduct of business.
- (2) *Amplified* means increased in volume or intensity by means of an electrical or mechanical device.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-46. - Prohibition of noise disturbance.

No person or legal entity, through its officers, agents or employees, shall make, maintain, or cause to be made or maintained a noise disturbance as defined in this article. The continuation of a noise disturbance upon one's property following notice of its existence to that person making, maintaining, or causing to be made or maintained a noise disturbance shall be deemed to continue with the permission of the property owner.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-47. - Specific prohibitions.

The following specified acts and circumstances are hereby declared to constitute prohibited noise disturbances in violation of this article; provided, however, such enumeration is not and shall not be deemed to be exclusive; provided, further, that all other acts and circumstances meeting the definition of noise disturbance are likewise declared to be in violation of this article:

- (1) *Radios, televisions, tape players, compact disc players, musical instruments and similar devices.* Playing or permitting the playing of any radio, television, tape player, compact disc player, musical instrument or similar device, whether or not amplified, in such a manner or with such volume as to annoy or disturb the quiet, comfort and repose of a reasonable person in any dwelling, place of business, hotel or other place of residence.
- (2) *Amplified human voice.* Amplifying the human voice in such a manner or with such volume as to annoy or disturb the quiet, comfort, and repose of a reasonable person in any dwelling, place of business, hotel or other place of residence.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-48. - Exemptions.

The provisions of this article, except for those specific prohibitions set forth hereinabove, shall not apply to the following sounds:

- (1) The unamplified human voice;
- (2) Railway locomotives or cars;
- (3) Household or farming tools, appliances and equipment meeting manufacturer's specifications as to sound, if applicable;
- (4) Aircraft and airport activity conducted in accordance with federal laws and regulations;
- (5) Maintenance of public service facilities;
- (6) Law enforcement activities, including training;
- (7) Authorized target shooting;
- (8) Emergency signals during emergencies;
- (9) Emergency signal testing;
- (10) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293;
- (11) Refuse collection and mosquito fogging;
- (12) Operation of any regulated utility;
- (13) Ordinary and customary construction activities exempt from or for which Lakeland has issued a development permit, provided such activity occurs between 7:00 a.m. and 9:00 p.m.;
- (14) Organized athletic contests;
- (15) Sounds relating to and originating within any area zoned for commercial use;
- (16) Sounds relating to and originating within any area zoned for industrial use;
- (17) Sounds relating to and originating from legal, pre-existing, nonconforming commercial and industrial activities;
- (18) Boats and boating activities;
- (19) Phosphate mining activity;
- (20) Emergency devices and vehicles used for the purpose of alerting persons of an emergency or the emission of sound in the performance of emergency work;

- (21) Lawful noncommercial public gatherings including, but not limited to, parades, festivals and school functions;
- (22) Reasonable operation of equipment associated with the following activities between one-half hour before sunrise and 10:00 p.m.: Lawn care; soil cultivation; maintenance of trees, hedges and gardens; the use of lawn mowers, saws and tractors; tree trimming and limb clipping.

These exemptions do not apply to the specific prohibitions set forth in section 70-47, above.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-49. - School-related activities.

All authorized school-related activities are exempt from the provisions of this article.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-50. - Separate violations.

Each separate occurrence shall be a separate violation.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-51. - Other remedies.

The City of Lakeland may bring suit in the Circuit Court of Polk County to restrain, enjoin or otherwise prevent the violation of this article.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-52. - Liberal nonconflicting construction.

The provisions of this article shall be liberally construed such that its purpose is effectively rendered in the interest of the health, safety and welfare of the citizens and residents of the City of Lakeland.

(Ord. No. 5207, § 1, 9-20-10)

Sec. 70-53. - Penalties.

A person who violates any provision of this article shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

(Ord. No. 5207, § 1, 9-20-10)