

Palm Bay Code of Ordinances

CHAPTER 92: NOISE

Section

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§ 92.01 PROHIBITIONS.

It shall be unlawful for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. ('74 Code, § 14-34) (Ord. 42, passed 12-15-60)

§ 92.02 LOUD AND DISTURBING NOISES ENUMERATED.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises, and in violation of this chapter, but such enumeration shall not be deemed to be exclusive:

(A) *Horns, signaling devices, and the like.* The sounding of any horn or signaling device on any automobile, bus or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one (1) operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason delayed.

(B) *Radios, phonographs, and the like.* The using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, compact disc player or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenience in hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to materially disrupt and disturb the peace shall be prima facie evidence of a violation of this chapter; provided, however, string music, mechanical phonograph or radio music may be provided by a duly licensed vendor of intoxicating beverages up to but not later than 12:00 midnight, and by the operator of a nightclub, duly licensed as such, up to but not later than 12:00 midnight; however, in all cases it shall be unlawful for the sound of such music, mechanical phonograph or radio, or entertainment, at any time during the hours of operation to be audible a distance of more than fifty (50) feet from the exterior wall of the premises operated by such licensed vendor or operator provided such premises are within fifty (50) feet or more of any property normally considered to be and used at the time as a residence; and it shall be the responsibility of such vendor or operator to ensure that the premises operated by him complies with this provision.

(C) *Loudspeakers, amplifiers for advertising.* The using or operating, or permitting to be played, used or

operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing of sound or reproducing of sound, which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure; however, nothing in this division (C) shall be construed as a prohibition against the use and operation of loudspeakers or amplifiers or other machines or devices for producing or reproducing sound, when such equipment is used in conjunction with parades, charitable affairs or municipal uses or purposes for which proper permits have been issued by the city.

(D) *Yelling, shouting, and the like.* Yelling, shouting, hooting, whistling or singing on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in dwellings, hotels or other types of residences, or of any persons in the vicinity.

(E) *Animals and birds.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.

(F) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of the proper municipal authorities.

(G) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(H) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create a loud and unnecessary grating, grinding, rattling or other noise.

(I) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Official should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 9:00 p.m. and 7:00 a.m., and if he shall determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 9:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(J) *Schools, courts, churches, hospitals.* The creation of any excessive noises on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital which unreasonably interferes with the operation of such institution or which disturbs or unduly annoys patients in the hospital; provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

(K) *Pile drivers, hammers, and the like.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(L) *Blowers.* The operation of any noise-creating blower or power fan for any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

('74 Code, § 14-35) (Ord. 42, passed 12-15-60; Am. Ord. 2002-39, passed 6-6-02)

Cross-reference:

Animals, see Ch. 90

Building regulations, see Ch. 170

§ 92.03 PENALTIES.

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$500.00 or by imprisonment for not more than sixty days, or by both said fine and imprisonment.

(Ord. 42, passed 12-15-60)

§ 92.04 SOUNDING OF RAILROAD AND TRAIN HORNS OR WHISTLES PROHIBITED.

The sounding of railroad and train horns and whistles within the corporate limits of the city is unconditionally prohibited between the hours of 10:00 p.m. and 6:00 a.m., pursuant to Fla. Stat. § 351.03, and adopting of all the provisions of this state statute.

('74 Code, § 14-2) (Ord. 84-62, passed 11-1-84)