

DIVISION 2. - NOISE

Sec. 35-51. - Loud and raucous noise prohibited—General.

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued, any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration, and nature, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the City. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or medical care facility or upon the grounds thereof while in use, upon any parking lot open to members of the public, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and, in any event, from any location not less than 50 feet from the source of any noise, measured in a straight line from the radio, loudspeaker, motor, horn, or other noise source.

(Ord. No. 99-15, § 1, 12-29-99)

Sec. 35-52. - Same—Specific.

The following specific acts are declared to be unlawful and are prohibited:

- (1) The sounding of any horn, whistle, or other audible signaling device so as to create a loud and raucous noise, except when sounded as a danger warning.
- (2) The use or operation of any radio, amplifier, television, musical instrument, phonograph, tape or compact disc player, or other device for the production or reproduction of sound in such a manner as to cause loud and raucous noise.
- (3) The keeping of any animal which causes a long-continuous loud and raucous noise.
- (4) Yelling, shouting, whistling, or singing so as to create a loud and raucous noise between the hours of 10:00 p.m. and 7:00 a.m.
- (5) The use of any motor vehicle without a muffler, the operation of which causes a loud and raucous noise.
- (6) The use of any blower or power fan or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise.
- (7) The operation between the hours of 6:00 p.m. and 7:00 a.m. of any construction equipment or appliance, the use of which is attended by loud and raucous noise, except in cases of urgent necessary, the restoration of interrupted public utilities, or where a permit or written agreement authorizing such operation has been issued or is in effect.

(Ord. No. 99-15, § 1, 12-29-99)

Sec. 35-53. - Sound level limits.

- (a) No person shall operate, or cause to be operated, any source of sound from any occupancy in such a manner as to create a sound level which exceeds the limits set forth for the use occupancy category in Table I, more than ten percent of any measurement period. The measurement period shall not be less than ten minutes when measured at or beyond the property boundary of the land use from which the sound emanates.

TABLE I

Use Occupancy Category	Time	Sound Level Limit (dBA)

Residential	7:00 a.m. —10:00 p.m.	60
	After 10:00 p.m. to before 7:00 a.m.	55
Commercial or Tourist	7:00 a.m. —10:00 p.m.	65
	After 10:00 p.m. to before 7:00 a.m.	60
Manufacturing	At all times	75
Agricultural	At all times	75

- (b) *"Tourist use"* shall mean, for the purpose of this division, all premises containing transient commercial sleeping quarters.
- (c) No person shall operate or give permission for the operation of any vessel on any City waters in such a manner as to exceed a maximum sound level of 90 dBA at a distance of 50 feet from the vessel.
- (d) *"dBA"* means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.

(Ord. No. 99-15, § 1, 12-29-99)

Sec. 35-54. - Exempted noises.

The term "loud and raucous noise" shall not include noise generated by the following, and the following shall be exempt from noise decibel level regulations:

- (1) Air conditioners, when functioning with the manufacturer's standard mufflers and noise-reducing equipment in use and when functioning in proper operating condition according to the manufacturer's standards. The same exemption shall apply to lawn mowers and agricultural equipment used during daylight hours.
- (2) Nonamplified crowd noises resulting from activities or sports events planned by government, school, church, or community groups.
- (3)

Construction operations for which building permits have been issued or where a written agreement is in effect with the City authorizing such activity, providing all equipment is operated in accord with the manufacturer's specifications and with all standard manufacturer's mufflers and noise reducing equipment in use and in proper operating condition, and such operations occur between the hours of 7:00 a.m. and 6:00 p.m.

- (4) Any noise resulting from any authorized emergency vehicle responding to an emergency or acting in time of emergency.
- (5) Cries for emergency assistance and warning calls, noises of safety signals and warning devices, and sounds of bells and chimes of churches.
- (6) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- (7) Parades, fireworks displays, and other special events for which a permit has been obtained, within such hours as may be imposed as a condition for the issuance of the permit.
- (8) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit or written agreement therefor has been issued.
- (9) Noises made by persons having obtained a permit to use the streets or sidewalks.
- (10) All noises coming from the normal operation of railroad trains.
- (11) All noise coming from the normal operation of aircraft (not including model aircraft).
- (12) Those motor vehicles which have noise emissions controlled by Florida Statutes, up to the decibel levels allowed by law.
- (13) Construction, installation or repair by any utility which serves the general public.

(Ord. No. 99-15, § 1, 12-29-99)

Sec. 35-55. - Permit for relief from maximum allowable noise level limits.

- (a) Applications for a permit for relief from the noise restrictions for a parade, a special event, or use of the streets or sidewalks may be made in writing to the City Manager or designee. Any permit granted by the City Manager or designee must be made in writing and shall contain all conditions upon which such permit shall be effective. The City Manager or designee may prescribe any reasonable conditions or requirements as he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices. All functions must be staged between the hours of 9:00 a.m. and 12:00 midnight.
- (b) Any permit issued by the City for a fireworks display will be considered a permit for relief from the maximum noise restrictions of this division.
- (c) Any permit issued for a musical or entertainment festival under the provisions the City Code will be considered a permit for relief from the maximum noise restrictions of this division.

(Ord. No. 99-15, § 1, 12-29-99)

Sec. 35-56. - Applicability; enforcement; interference.

This division shall apply to and be enforced in the City. The City Manager or designee shall be responsible for enforcement of the provisions of this division. It is a violation of this division for any person to resist, obstruct, hinder, or interfere with the City Manager or designee in the enforcement of this division.

(Ord. No. 99-15, § 1, 12-29-99)

Sec. 35-59. - Repeat offenses.

Upon a citation being issued for violation of this division three times for the same offense within a 12-month period, when the noise is created by the same noise emitter, the noise-creating equipment may be confiscated by the court following such third citation until such time as the offender can satisfy the court that he or she is

prepared to and, in fact, will operate such equipment within the limits of this division. Further violation may result in permanent confiscation by the court.

(Ord. No. 99-15, § 1, 12-29-99)

Sec. 35-60. - Construction activities on Sundays.

The following specific acts are declared to be unlawful and are prohibited:

- (1) The sounding of any horn, whistle, or other audible signaling device so as to create a loud and disturbing or disruptive noise, except when sounded as a danger warning.
- (2) The use or operation of any radio, amplifier, television, musical instrument, phonograph, tape or compact disc player, or other device for the production or reproduction of sound in such a manner as to cause loud and disturbing or disruptive noise.
- (3) The keeping of any animal which causes a long-continuous loud and disturbing or disruptive noise.
- (4) Yelling, shouting, whistling, or singing so as to create a loud and disturbing or disruptive noise between the hours of 10:00 p.m. and 7:00 a.m.
- (5) The use of any motor vehicle without a muffler, the operation of which causes a loud and noise.
- (6) The use of any blower or power fan or any internal combustion engine, the operation of which causes loud and noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and noise.
- (7) The operation between the hours of 6:00 p.m. and 7:00 a.m., or 9:00 a.m. on Sundays, of any construction equipment or appliance, the use of which is attended by loud and disturbing or disruptive noise, except in cases of urgent necessity, the restoration of interrupted public utilities, or where a permit or written agreement authorizing such operation has been issued by the City.

(Ord. No. 2004-26, § 2, 10-19-04)

Editor's note— Ord. No. 2004-26, § 2, adopted October 19, 2004, did not specifically amend the Code; hence, inclusion as § 35-60 was at the discretion of the editor.