

Pembroke Pines Code of Ordinances

CHAPTER 96: NOISE

Section

General Provisions

- 96.01 Short title
- 96.02 Intent
- 96.03 Definitions
- 96.04 Noise disturbances
- 96.05 Exemptions
- 96.06 Fans and air conditioners
- 96.07 Sound level limitations by receiving land use designation
- 96.08 Measurement of sound
- 96.09 Enforcement

GENERAL PROVISIONS**§ 96.01 SHORT TITLE.**

This chapter may be known and cited as the “Pembroke Pines Noise Abatement Chapter.”

(Ord. 1486, passed 6-16-04)

§ 96.02 INTENT.

It is the intent and purpose of this chapter to regulate uses and activities in the City of Pembroke Pines in such a manner as to prevent excessive noises, which degrade the quality of life, disturb the public peace, and jeopardize the health, safety and welfare of the citizens of Pembroke Pines. It is further the intent of this chapter to recognize that factors such as the time of day, location (such as proximity to residences), necessity of public projects for the public good, and necessity of sounds incidental to allowed uses and activities must be considered in balancing the protection of public peace and individual freedoms.

(Ord. 1486, passed 6-16-04)

§ 96.03 DEFINITIONS.

All terminology used in this chapter, not specifically defined herein, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successors and/or

assignee. The following words and terms, when used in this section, shall have the following meanings:

A-WEIGHED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

CONSTRUCTION. Any site preparation, assembly, erection, substantial repair, alteration (or similar action) of structures, utilities, public or private right-of-way or other property. Construction does not include demolition.

DECIBEL (dB). A unit for measuring the volume of sound, it is a logarithmic (dimensionless) unit of measure used in describing the amplitude of sound. **DECIBAL** is denoted as dB.

dBA. The A-weighted unit of sound pressure level.

DEMOLITION. Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

EMERGENCY. Any occurrence or circumstances involving actual or imminent physical injury to persons or property, which demands immediate action. It shall be the burden of the alleged violator to prove the **EMERGENCY**.

EMERGENCY VEHICLE. A motor vehicle, vessel, or aircraft used in response to a public emergency or to protect persons or property from imminent danger.

EMERGENCY WORK. Work necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger.

EQUIVALENT. The level of a constant sound, which in a given situation and time period, has the same sound energy as does a time varying sound. The L_{eq} is the level of the time-averaged, means square, A-weighted sound pressure, the time interval over which measurement is taken as being specified.

IMPULSIVE NOISE. A sound of short duration, usually less than one second with an abrupt onset and rapid decay. Examples of sources of **IMPULSIVE NOISE**, includes explosions and the discharge of firearms.

LMAX. The maximum A-weighted sound level for a given event.

LEGAL HOLIDAYS. Those recognized by the city include New Year's Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve, and Christmas Day or any other legally recognized holidays.

MAXIMUM SOUND LEVEL. The greatest A-weighted sound level reading obtained when measuring a source of sound during a designated time interval using the fast meter exponential integration time. Alternatively the slow meter exponential integration time may be employed or the C-frequency weighting may be employed.

MICROPASCAL. The international unit for pressure, analogous to pounds per square inch in English units; 1 microPascal is one millionth of a Pascal; the reference pressure used for airborne sound is 20 microPascals.

MOTORBOAT. Any vehicle which is primarily operated on water or which does operate on water, such as boats, barges, amphibious craft, or hover craft, and which is propelled by mechanical power.

MOTORIZED EQUIPMENT. Any self-propelled vehicle, such as, but not limited to, passenger cars, trucks, truck trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, gopeds, dune buggy, all-terrain vehicles or racing vehicles which are propelled by mechanical power.

MUFFLER. Any apparatus consisting of baffles, chambers, or acoustical absorbing material whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.

NOISE. Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

NOISE DISTURBANCE. Any sound that endangers the safety or health of any person, disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

OCTIVE BAND SOUND LEVEL. The unweighted sound pressure level in the specified octave band.

PERSON. Any natural person, individual, association, partnership, corporation, municipality, governmental agency, business trust, estate, trust, two or more persons having a joint or common interest or any other legal entity and includes any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of a state or any other entity whatsoever or any combination of such, jointly or severally.

POWERED MODEL VEHICLES. Any powered vehicle, either airborne, waterborne or land-borne, which are designed not to carry persons or property, such as, but not limited to, model airplanes, boats, cars, rockets, and which are being propelled by mechanical means.

PRIVATE RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk, bike path, or alley, or similar place, which is not owned or controlled by a governmental entity.

PROPERTY BOUNDARY. An imaginary line exterior to any enclosed structure, at the ground surface, which separates the real property owned by one person from that owned by another person, and its vertical extension.

PUBLIC RIGHT-OF-WAY. Any street, avenue, boulevard, highway, alley, or public space, which is dedicated to owned or controlled by a public governmental entity.

PUBLIC SPACE. Any real property or structures thereon normally accessible to the public.

REAL PROPERTY BOUNDARY. The line, including its vertical extension that separates one parcel of real property from another.

RECEIVING LAND USE. The land, which is receiving the noise as designated by the City of Pembroke Pines Zoning Map (and for recently incorporated areas, the effective zoning category).

SOUND. An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of **SOUND** may include any characteristic of such **SOUND**, including duration, intensity, and frequency.

SOUND LEVEL. The reading in decibels of a sound level meter constructed and operated in accordance with the latest edition of American National Standard Institute (ANSI) specifications for the measurement of noise and other sounds. The meter reading in decibels corresponds to the total value of the sound pressure and is ten times the logarithm to the base ten of the ratio of the A-weighted squared sound pressure to the squared reference sound pressure of 20 micro-Pa, the squared sound pressure being obtained with fast exponentially weighted time averaging. Alternatively, slow exponentially weighted time averaging or C-weighting may be specified.

SOUND LEVEL METER (SLM). An instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in the American National Standards Institute Publication 51.41971, or the latest version thereof.

SOUND PRESSURE LEVEL (SPL). Ten times the logarithm to the base ten of the ratio of the time-mean-square pressure of a sound of the reference pressure of 20 microPascals (in air) with the units of decibels.

USE. Any activity, event, operation, or facility, which creates noise.

(Ord. 1486, passed 6-16-04)

§ 96.04 NOISE DISTURBANCES.

The following acts which enumeration shall not be deemed to be exclusive, are declared to be noise disturbances and shall constitute a violation of this chapter. No sound level measurement is needed to prove the existence of the following noise disturbances:

(A) Particularly between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday, 11:00 p.m. and 7:00 a.m. Friday, Saturday, and legal holidays, and on New Year's Eve into New Year's Day, between the hours of 12:30 a.m. through 7:00 a.m.:

(1) Yelling, shouting, hooting, whistling, singing or creating similar noises on the public streets in such a manner so as to cause a disturbance so as to disturb the peace, health, quiet or comfort of the neighborhood or vicinity thereof; and

(2) The operating or permitting the use or operation of any radio receiving set, musical instrument, television, stereo, car or truck stereo, drum, compact disc or tape player, exterior loudspeaker, or other device for the production or reproduction of sound in a loud and raucous manner so as to disturb the peace, quiet or comfort of the neighborhood.

(B) Any public entertainment establishment or person associated with or working for said establishment which operates, plays or permits the operation or playing of any radio, television, stereo, drum, musical instrument, sound amplifier, or similar device, shall not operate, play, or permit the operation or playing of such devices in a manner which would result in noise across a real property boundary so as to disturb the peace, health, and comfort of a reasonable person of ordinary sensibilities, between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Thursday; 11:00 p.m. and 7:00 a.m. Friday, Saturday, and legal holidays, and on New Year's Eve into New Year's Day, between the hours of 12:30 a.m. through 7:00 a.m.

(C) The sounding of any horn or signaling device, except as a danger warning, for any unnecessary or an excessive period of time or the unreasonable use of any horn or signaling device, in such a manner as to cause a noise disturbance so as to disturb the peace, health, quiet or comfort of the neighborhood or vicinity thereof.

(D) The using, operating, or permitted to be used or operated, of any loud speaker or public address system in such a manner so as to emit therefrom loud or raucous noises so as to disturb the peace, health, quiet or comfort of the neighborhood or vicinity thereof.

(E) The loading, unloading, compacting, opening or otherwise handling boxes, crates, containers, garbage cans, or otherwise similar objects in such a manner so as to cause a disturbance so as to disturb the peace, health, quiet or comfort of the neighborhood or vicinity thereof.

(F) The operating or causing to be operated any equipment used in construction activity, 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.

(G) Creating, making, or maintaining any loud or raucous noise by the use of any drum, cymbals, loudspeaker, or other similar instruments in the city for the purpose of attracting attention to any performance, show, sale, or display of merchandise, or place of business. This provision does not apply to approved public events.

(H) Using, in connection with an unauthorized vehicle, any bell or siren similar to that used on ambulances or vehicles of the police, fire departments, and other public safety agencies.

(I) The operating or causing the operation of any motorboat in any lake, canal, or other waterway, in such a manner so as to disturb the peace, health, and comfort of a reasonable person of ordinary sensibilities.

(J) The operating or causing the operation of any powered model vehicle or boat in such a manner so as to disturb the peace, health, and comfort of a reasonable person of ordinary sensibilities.

(K) The creation or permitting of any loud or raucous noise so as to disturb the peace, quiet or comfort of the adjacent neighborhood.

(L) The following activities may not be operated or caused to be operated between the hours of 6:00 p.m. and 7:00 a.m., unless for a public works transportation or utilities project approved by the city in division

(M) below:

(1) Any equipment used in construction activity, 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;

(2) Any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist;

(3) Any other machinery, appliance, etc., the use of which is attended by loud or raucous noise so as to disturb the peace, health, quiet or comfort of the neighborhood or vicinity thereof.

(M) Any person desiring to engage in the use of equipment for a public works transportation or utilities project beyond the hours of limitations aforementioned, based upon cases of necessity or in the interest of public health, safety and convenience, may apply to the city manager or his designee for a special permit allowing hours of operation other than those specified above. Such permits, if granted, shall be limited to a period of up to 30 days in duration, but may be renewed for additional periods of up to 30 days if the emergency or need therefore continues. In the issuance of such permits the city 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 person seeking the permit imposes a significant hardship upon such person. An application fee of \$200 dollars must be paid at the time the application is filed with the city.

(Ord. 1486, passed 6-16-04)

§ 96.05 EXEMPTIONS.

The following noises shall be exempt from the restrictions set forth in the other sections of this chapter:

(A) Noises of authorized safety signals and warning devices.

(B) The generation of sound for the purpose of alerting persons to the existence of an emergency.

(C) Noises resulting from any authorized emergency vehicle, vessel, or aircraft.

(D) Noises resulting from emergency work, which is to be construed as work made necessary to restore property to a safe condition following a public emergency, or work required to protect persons or property from any imminent exposure to danger.

(E) Noise from landscape and yard equipment when operated between 7:00 a.m. and 10:00 p.m., provided all motorized equipment are equipped with functioning mufflers or other effective sound control devices similar to those provided on the original equipment.

(F) Noises associated with uses or activities whereby an administrative approval to produce such noises contrary to the restrictions of this chapter has been obtained from the city manager or his designee.

(G) Community events such as fairs, sporting events, school activities, community festivals, etc. Such events or activities shall not start before 8:00 a.m. and those events or activities, shall not extend their activities beyond 11:00 p.m. Any community activity or event, which is proposed to extend beyond 11:00 p.m., must obtain the approval of the city manager or his designee.

(H) Noise generated from municipally sponsored or approved celebrations or events shall be exempt

from the provisions of this section.

(I) Noises associated with the Police Department’s firearms facility.

(J) Noises from construction activity, tools or equipment used and operated on a construction site between the hours of 7:00 a.m. and 6:00 p.m., provided that all tools or motorized equipment used in such activity are equipped with all sound reducing features and equipment originally part of the tool or equipment, or other effective sound control devices similar to those provided or as effective as that installed as original equipment.

(Ord. 1486, passed 6-16-04)

§ 96.06 FANS AND AIR CONDITIONERS.

(A) It shall be unlawful to create any excessive loud noise, exceeding the sound level limitations set forth in § 96.07 of the Code, by the use or operation of any noise-creating air conditioner, compressor unit, power fan or blower or the electric motor or any engine used to drive such device, the operation of which causes such excessive noise, unless such noise is muffled and deadened by adequate noise suppression and muffling devices to eliminate annoyance and disturbance to persons within the range of hearing. In addition, the city manager or designee shall require compliance with all reasonable sound abatement measures and sound screening which may be necessary or desirable to prevent such air conditioning equipment from creating excessive or unnecessary noise.

(B) Generators installed in all residential districts shall be exempt from the sound rating values set forth in § 96.07 of the Code of Ordinances when operated during power outages provided however, in, no event shall the sound rating value of emergency generators in any residential district exceed 72 dBA. Generators in all residential districts may be operated for testing purposes one time for a period not to exceed 30, minutes in any seven-day period. Testing of generators in all residential districts is permitted between the hours of 11:00 a.m. through 5:00 p.m., Monday through Saturday.

(Ord. 1486, passed 6-16-04)

§ 96.07 SOUND LEVEL LIMITATIONS BY RECEIVING LAND USE DESIGNATION.

(A) It shall be unlawful to operate, cause, suffer or allow, the operation of any source of sound or to project a sound or noise across a real property boundary in such a manner as to create an L50 A-weighted sound level which exceeds the limits set forth for the receiving land use designation in Table 1 when measured at or within the property line of the receiving land use designation.

(B) Such a sound source would constitute a noise disturbance. For the purposes of this chapter, the L50 shall be the sound, which exceeded for more than 50% of any measurement period which shall be not less than ten minutes when measured at or within the boundary of a property within the receiving land use district and as a result of a source of sound being located on some other property.

(C) For the purposes of this chapter, the L50 may be established by recording the instantaneous A-weighted sound level using the slow meter response at equal intervals of ten seconds. The resulting sound level sample that exceeds half the samples will be taken as the L50. Equally, for the purposes of this chapter, unless otherwise established by measurements, if the Leq is measured instead of the L50, the L50 shall be taken to be two decibels less than the measured equivalent sound level of Leq.

Exterior Sound Level Limits for L50 Sound Levels by Receiving Property

<i>Receiving Property</i>		
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<i>Designation</i>	<i>Time</i>	<i>L50 Sound Level Limit (dBA)</i>
Institutional Includes the following designations: Community Facilities, Recreational, Agricultural and Open Space	7:00 a.m. -10:00 p.m.	65 dBA
	10:00 p.m. -7:00 a.m.	60 dBA
Residential Includes all Residential Multi-Family, PUD and MXD	7:00 a.m. -10:00 p.m., Sunday through Thursday 7:00 a.m. -11:00 p.m., Friday, Saturday, legal holidays 7:00 a.m. on New Year's Eve -12:30 a.m. New Year's Day.	65 dBA
	10:00 p.m. -7:00 a.m., Sunday through Thursday 11:00 p.m. -7:00 a.m., Friday, Saturday, legal holidays 12:30 a.m. -7:00 a.m., New Year's Day	60 dBA
Commercial Includes all business districts	7:00 a.m. -10:00 p.m.	70 dBA
	10:00 p.m. -7:00 a.m.	65 dBA
Industrial	7:00 a.m. -10:00 p.m.	80 dBA
	10:00 p.m. -7:00 a.m.	80 dBA

(D) The maximum exterior A-weighted sound level or Lmax measured during a period of not less than ten minutes using the slow meter response shall not exceed the L50 sound level limits specified in Table 1 by more than ten dBA.

(E) Within a multifamily dwelling, it shall be unlawful to create or permit any noise that exceeds the L50 and/or Lmax sound level limits specified in Table 1 and division (D) reduced by ten dBA.

(F) In addition to the limits of Table 1 and division (E), for any sound source which impacts residential, public space, or institutional property, the maximum (Lmax) allowable exterior sound level limits for the individual unweighted octave bands measured using the slow meter response whose centers are 63, 125, 250 and 500 Hertz shall not exceed 65 dBA.

(G) District boundaries. When a noise source can be identified and its noise measured in more than one land use designation, the pressure level limits of the most restrictive use district shall apply at that designation boundary.

(H) The burden shall be on any person contesting the equivalent sound levels to establish the actual equivalent noise level by clear and convincing evidence.

(Ord. 1486, passed 6-16-04)

§ 96.08 MEASUREMENT OF SOUND.

(A) When applicable, sound shall be measured with a sound level meter.

(B) The sound level shall be measured at a distance no closer to the point from which the sound in

question is emanating than the property line of the parcel or lot from which the sound is emanating.

- (C) A measurement period shall not be less than ten minutes in duration.
- (D) The sound being measured shall be representative of the sound which instigated the complaint.
- (E) A measurement shall be recorded so as to secure and ensure an accurate representation of the sound.
- (F) A measurement should be taken at approximately five feet above the ground or water surface away from any obstruction or reflecting surface.
- (G) When necessary, a microphone windscreen shall be required to avoid wind noise biasing of a measurement.
- (H) All manufacturer's directions on the operation of the sound level meter shall be followed (such as proper microphone angle).
- (I) All sound level meters used for measurement shall be in conformance with ANSI section 1.4-1983, as amended.
- (J) All octave and third octave band filter sets of the sound level meter shall be in conformance with ANSI section 1.11-1976, as amended.
- (K) Calibration of all instruments, components, and attachments shall conform to the ANSI standards, as amended.
- (L) Instrumentation for sound level measurements maybe class 1 or class 2 (ANSI section 1.4-1971), as amended.
- (M) Measurements of sound shall be made by individuals trained in a noise measurement program.

(Ord. 1486, passed 6-16-04)

§ 96.09 ENFORCEMENT.

(A) Alleged noise disturbance violations shall be investigated on a complaint basis and only when the person or persons making the complaint contacts the Pembroke Pines Police Department or Code Enforcement Division stating the details of the complaint.

(B) The city may prosecute violators of Pembroke Pines Noise Abatement Code pursuant to §§ 32.035 through 32.053 of the Code or by issuance of a city ordinance citation. If by citation, the penalty for a violation shall be as provided in § 10.99 of the Code.

(C) Each occurrence shall constitute a separate violation.

(D) Nothing in this section shall be construed to preclude or prohibit the enforcement of the Pembroke Pines Noise Abatement Code by any other available legal means.

(Ord. 1486, passed 6-16-04)