

CHAPTER 94. - NOISE

Sec. 94.01. - Scope.

The provisions of this chapter shall apply to the control of all sound originating within the city.

(Ord. 91-43, passed 7-8-91)

Sec. 94.02. - Definitions.

(a) The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates or requires a different meaning:

A-weighted sound of pressure level. The sound pressure level as measured with a sound level meter using the A-weighting network method of decibel measurement (hereinafter dBA).

Ambient noise. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far, independent of any single, identifiable noise source.

Boat. Every description of watercraft, barge and airboat used or capable of being used as a means of transportation on water, mode of habitation or a place of business or professional or social association on the waters within the city, including, but not limited to foreign and domestic watercraft engaged in commerce, passenger or other cargo-carrying watercraft, privately owned recreational watercraft, airboats and seaplanes, and houseboats or other floating homes.

C-weighted sound of pressure level. The sound pressure level as measured with a sound level meter using the C-weighting network method of decibel measurement (hereinafter dBC).

Code enforcement officer. Any designated employee or agent of the City whose duty it is to enforce codes and ordinances enacted by the City Council, including, but not limited to code inspectors, law enforcement officers and animal control officers.

Emergency vehicle. A motor vehicle belonging to a fire department or certified private vehicle belonging to a volunteer firefighter, or firefighting association, partnership or corporation, an ambulance, a motor vehicle belonging to a private security agency, or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency; provided the vehicles are in use as an emergency vehicle by one authorized to use the vehicle for that purpose.

Emergency work. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

Impulsive sound or noise of an impulsive character. Any sound of short duration, usually less than one second, with an abrupt onset and rapid decay, such as hammering and blasting.

Land use category. The classification of an area as residential, commercial or industrial, according to its use. For purposes of land use categories, the following provisions shall apply to this chapter. All premises containing habitually occupied sleeping quarters shall be considered in residential use. Hospitals, nursing homes, schools, libraries and churches shall be considered in residential use. All premises containing transient-commercial sleeping quarters shall be considered in commercial use. All premises containing businesses where sales, professional or other commercial use is legally permitted shall be considered in commercial use. Parks shall be

considered in commercial use. All premises where manufacturing is legally permitted shall be considered in industrial use. Any area not otherwise classified shall be considered in commercial use. In cases of multiple use, the more restrictive use category shall prevail.

Person. Any code enforcement officer, person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

Plainly Audible. Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify Plainly Audible sound. The person need not determine or be able to discern the title, specific words, or the artist performing the song. The person must have a direct line of sight and hearing to the location producing the sound so that the person can readily identify the offending location and the distance involved.

Powered model vehicle. Any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle which is not designed to carry persons including, but not limited to any model airplane, boat, car or rocket.

Real property line. An imaginary line along the real property surface, and its vertical plane extension, which separates the real property owned, rented or leased by a person from that owned, rented or leased by another person, including intrabuilding real property divisions.

Sound level. The A-weighted or C-weighted sound pressure level obtained by use of a sound level meter as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-1983, as amended).

Sound level meter. An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks, for the measurement of noise and sound levels in a manner specified by the American National Standards Institute (ANSI).

(Ord. 91-43, passed 7-8-91; Am. Ord. 11-62, § 1, passed 8-22-11; Ord. No. 16-08, § 1, 2-22-16)

Sec. 94.03. - Responsibility for compliance.

For purposes of this chapter, the landlord, lessor, owner, and/or agent of the building or property and/or any person owning or having responsibility for management of a premises, however temporarily, any performer or disc jockey producing sound upon any premises, any person playing music, any person having control or volume knobs or levels, and the business as named on the business tax receipt, if applicable, shall be jointly and severally liable for compliance with this chapter and shall be responsible for any violations of this chapter.

(Ord. No. 16-08, § 2, 2-22-16)

Sec. 94.04. - Maximum permissible sound levels.

- (a) It shall be unlawful, except as expressly permitted herein, to make, cause or allow the making of any noise or sound which violates the provisions of this chapter.
- (b) No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table I below for property in the receiving land use category when measured at or beyond the approximate real property line of the receiving property.
- (c) For any source of sound, the sound level shall not exceed the sound levels set forth in Table I for each land use category.
- (d) Sound projected from one property into another property within the same land use category shall not exceed the limit of that land use category. Sound projected from one land use category into another land use category with a different limit shall not exceed the limit of the receiving land use category.

- (e) In the event an industrial or commercial land use category has been established on property not adjacent to a residential land use category and the adjacent property subsequently becomes a residential land use category, the noise projected from the operations of the preexisting industrial or commercial land use category into the residential land use category shall be subject to the sound level limits set forth in Table I for industrial or commercial land use categories, as appropriate.
- (f) In the event the sound level limits for property in a preexisting land use category are more restrictive than those for a subsequent land use category established for the same property, the sound level limits for the preexisting land use category shall apply.
- (g) For any sound projected at any time on Sunday or a holiday, the sound level limits set forth in Table I for the time between 11:00 p.m. and 7:00 a.m. shall apply.
- (h) Sound level measurements shall be made with a sound level meter using the A-weighted or C-weighted scale in accordance with the standards promulgated by the American National Standards Institute (ANSI).
- (i) Noise which is plainly audible at a distance of one hundred (100) feet or more in any direction from the source of the noise shall constitute a violation of this chapter. This includes, but is not limited to, amplified sound and self-contained, portable, hand-held music or sound amplification or reproduction equipment operated on private property, public property, or public right-of-way.

TABLE I

Maximum Noise Levels in
A and C-Weighted Decibels

This Table establishes the maximum permissible noise levels by receiving land use category, measured in A-weighted or C-weighted decibels, which may be generated in the defined locations at the described time periods. As used below, dBA and dBC shall be the symbol designations of a noise level, using the A-weighting or C-weighting network of sound level meters.

Land Use Category	7:00 AM — 11:00 PM	11:00 PM — 7:00 AM
Residential	<u>60</u> dBA/ <u>65</u> dBC	55 dBA/ <u>60</u> dBC
Commercial	<u>65</u> dBA/ <u>70</u> dBC	<u>60</u> dBA/ <u>65</u> dBC
Industrial	<u>65</u> dBA/ <u>70</u> dBC	<u>65</u> dBA/ <u>70</u> dBC

(Ord. 91-43, passed 7-8-91; Ord. No. 16-08, § 3, 2-22-16)

Cross reference— Enforcement, penalties, alternate means of enforcement, see section 94.08.

Sec. 94.05. - Exemptions.

The following uses and activities shall be exempt from the noise regulations of this chapter:

- (a) Noises of safety signals, warning devices, and emergency pressure relief valves.

- (b) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- (c) Noises resulting from emergency work.
- (d) Noise resulting from the operation of any type of aircraft, not including a power model vehicle.
- (e) Noise resulting from the operation of any motor vehicle as specified in F.S. chs. 316 and 403.
- (f) Noise resulting from the operation of the following facilities existing and in operation on the effective date of this chapter (i.e., July 18, 1991):
 - (1) Electricity regulating substations.
 - (2) Electric generation plants.
 - (3) Other electric utilities.
 - (4) Gas pressure control stations.
 - (5) Gas production plants.
 - (6) Natural or manufactured gas storage and distribution points.
 - (7) Other gas utilities.
 - (8) Pipeline pressure control stations.
 - (9) Railroad, rapid rail transit, and street railway transportation.
 - (10) Industrial wastewater disposal.
 - (11) Sewage disposal.
 - (12) Sewage pressure control stations.
 - (13) Sewage treatment plants.
 - (14) Sewage sludge drying beds.
 - (15) Water utilities and irrigation.
 - (16) Solid waste disposal.
- (g) Noise resulting from agricultural activities in districts zoned therefor.
- (h) Noise resulting from any authorized law enforcement and firefighting training activities.
- (i) Noise resulting from the activities of any permitted use, conditional use or accessory use permitted in land use categories zoned for industrial activities existing and in operation on the effective date of this chapter (i.e., July 18, 1991).
- (j) Noise resulting from the temporary operation of equipment or activities relating to normal maintenance of residential or commercial uses, between the hours of 7:00 a.m. and 10:00 p.m. including, but not limited to the following activities: lawn mowing; maintenance of trees, hedges, and gardens; refuse collection; soil cultivation; and pavement sweeping and cleaning.
- (k) Noise resulting from church bells and chimes.
- (l) Noise resulting from the operation of any mining activities under a permit issued by the city; provided, however, that the time of such mining activities shall be limited to the time set forth in the permit. For any violation of the terms of the permit, the permit holder and the violator shall be jointly and severally liable.
- (m) Noise resulting from the operation of railways and shipping activities.
- (n) Noise resulting from construction activities occurring between 7:00 a.m. and sundown. The exemption shall be effective upon obtaining a building permit and shall pertain to any construction activity directly related to the construction authorized under the permit. A special permit issued pursuant to section 94.07 shall be required for the generation of noise resulting from construction activities between sundown and 7:00 a.m. For any violation of the terms of the special permit, the permit holder and the violator shall be jointly and severally liable.

- (o) Noise resulting from the maintenance and specialized repair operations in parks between sundown and 7:00 a.m. as authorized by the park superintendent.
- (p) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with section 94.07.

(Ord. 91-43, passed 7-8-91)

Cross reference— Penalty, see section 94.99.

Sec. 94.06. - Specific prohibitions.

In addition to the general prohibitions set out in this chapter, the following specific acts are declared to be in violation of this chapter:

- (a) *Horns, signaling devices.* The sounding of any horn or signaling device on any motor vehicle on any street or public place in the city continuously and/or incessantly for a period in excess of 30 seconds, except as a danger warning.
- (b) *Radios, tape player, or other mechanical or electronic sound making device or instrument, and similar devices, as follows:*
 - (1) The operating or amplifying of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound on the public rights-of-way in such a manner as to be plainly audible to any person other than the operator of the device;
 - (2) The operating or amplifying of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound in such a manner that it is unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitivities within the area of audibility;
 - (3) The operating or playing of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which causes physical vibration that is perceptible to reasonable persons of normal sensitivities within the closed confines of a residence.
 - (4) The operating or playing of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound in a motor vehicle in a manner as to be plainly audible at a distance of 25 feet;
 - (5) The operating or playing of any radio, tape player, or other mechanical or electronic sound making device or instrument or similar device which produces or reproduces sound in such a manner as to exceed the limits set forth in Table I of section 94.04 for the land use category.
- (c) *Loudspeakers and sound amplifiers.* The using or operating of any loudspeaker, loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential areas such that the sound there from is plainly audible across the real property line of the source; provided, however, that this shall not apply to any public performance, gathering, parade or park activities for which a permit has been obtained from the city.
- (d) *Street sales.* The offering for sale by shouting or outcry within any residential or commercial area except by permit issued by the city.
- (e) *Powered model vehicles.* The operating of, or permitting the operation of, powered model vehicles:
 - (1) Between sundown and 7:00 a.m. on weekdays and Saturdays and sundown to 8:00 a.m. on Sundays and holidays; or
 - (2) In such a manner as to exceed the levels set for a residential use category in Table I in section 94.04, measured at a distance of not closer than 100 feet from the operator or the powered model vehicle.

(f) *Emergency signaling devices:*

- (1) Except in case of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m.;
- (2) The testing of any alarm for a period in excess of 30 seconds at any time.

(Ord. 91-43, passed 7-8-91; Am. Ord. 06-132, § 1, passed 11-27-06; Am. Ord. 08-61, § 1, passed 7-14-08)

Cross reference— Penalty, see section 94.99.

Sec. 94.07. - Application for special permit.

- (a) Any person desiring relief from any provision of this chapter shall apply to the city for a special permit to cause or create a noise at sound levels which would otherwise be in violation of this chapter. Applications for a special permit shall be made in writing to the chief of police, or his designee, on forms provided for that purpose. Payment of a fee of \$25.00 shall accompany the application. The chief of police, or his designee, shall grant the special permit if he finds:
 - (1) Additional time is necessary for the applicant to alter or modify his activity or operation to comply with the provisions of this chapter; or
 - (2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this chapter; and
 - (3) No reasonable alternative is available to the applicant; and
 - (4) The application has been approved by the chief of police or his designee.
- (b) Any special permit granted pursuant to this section shall contain thereon all conditions upon which said permit has been granted which may include, but are not limited to the effective date, time of day, location, sound level limit or equipment limitation, or any other conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood; provided, however, that no special permits shall be issued for a period in excess of ten consecutive days. Any special permit granted hereunder may be renewed upon application to the chief of police, or his designee, and upon a finding by the chief of police, or his designee, that the reasons for which the permit was granted still exist.
- (c) The chief of police, or his designee, may cancel or revoke this permit at any time should it be determined that the cancellation or revocation is necessary to preserve the provisions of this chapter or to eliminate the adverse effects the special permit has created upon the community or the surrounding neighborhood.

(Ord. 91-43, passed 7-8-91; Am. Ord. 93-53, passed 12-6-93)

Sec. 94.08. - Enforcement, penalties, alternate means of enforcement.

- (a) *Enforcement responsibility.* Code enforcement officers shall be responsible for the enforcement of the provisions of this chapter and the conditions stated in any special permit issued pursuant to section 94.07.
- (b) *Instrumentation and operators.* A sound level meter meeting the requirements of the American National Standards Institute (ANSI) shall be used in making sound level measurements provided for in this chapter. Code enforcement officers conducting such sound level measurements shall receive training regarding such sound level measurements which shall include techniques of sound measurement and operation of a sound measuring instrument.
- (c) *Enforcement.* A violation of this chapter presents a serious threat to health, safety, and welfare. All violations of this section are irreparable and irreversible; and enforceable as provided in Chapter 37 of this Code.
- (d) *Penalties.* The penalties for violating this chapter are as provided in Chapter 37 of this Code.
- (e) *Alternate means of enforcement.* As an alternate or additional means of enforcement, the city may institute proceedings to revoke a business tax receipt pursuant to section 111.26 of this Code or seek injunctive relief.

(Ord. 91-43, passed 7-8-91; Am. Ord. 93-53, passed 12-6-93; Ord. No. 16-08, § 4, 2-22-16)

Editor's note— Ord. No. 16-08, § 4, adopted February 22, 2016, amended § 94.08, to read as set out herein. Previously § 94.08 was titled "Enforcement."

Sec. 94.09. - Nuisance.

Any violation of this Chapter shall constitute a nuisance. Relief may be granted according to the terms and conditions of Ch. 60, Florida Statutes, relating to abatement of nuisances.

(Ord. 91-43, passed 7-8-91; Am. Ord. 93-53, passed 12-6-93; Am. Ord. 06-132, § 1, passed 11-27-06; Am. Ord. 08-61, § 1, 7-14-08; Am. Ord. 08-61, § 1, passed 7-14-08; Ord. No. 16-08, § 5, 2-22-16)

Editor's note— Ord. No. 16-08, § 5, adopted February 22, 2016, amended § 94.09, to read as set out herein. Previously § 94.09 was titled "Penalty."