

46 Section 2. Division 2 of Article IV, Chapter 12, Offenses Involving Public Peace and
47 Order Generally, is hereby created in the Code of General Ordinances of the City of Tallahassee,
48 Florida and shall read as follows:
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50 DIVISION 2. EXCESSIVE SOUND.

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52 Sec. 12-92. Application.

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54 This division shall apply to all properties in the City, unless a City Commission policy,
55 ordinance, or an agreement approved by the City Commission is developed to apply sound
56 requirements to specifically described property. Property zoned C-1 Neighborhood Commercial,
57 C-2 General Commercial, CP Commercial Parkway, M-1 Light Industrial District and NBO
58 Neighborhood Boundary Office shall be subject to this division and shall not be exempted from
59 its application due to the sound provisions contained in Sections 10-255, 10-256, 10-258, 10-260
60 and 10-266 of the Tallahassee Land Development Code.

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62 Sec. 12-93. Definitions.

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64 The following words, terms and phrases, when used in this division, shall have the meanings
65 ascribed to them in this section, except where the context clearly indicates a different meaning:
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67 *A-Weighted Sound Level* means the sound pressure level in decibels as measured with a sound
68 level meter using the A-weighting network as described in ANSI S1.4-1983 issued by the
69 American National Standards Institute. The unit of measurement is the dB(A).

70
71 *C-Weighted Sound Level* means the sound pressure level in decibels as measured with a sound
72 level meter using the C-weighting network as described in ANSI S1.4-1983 issued by the
73 American National Standards Institute. The unit of measurement is the dB(C).

74
75 *Decibel (dB)* means a unit for measuring the amplitude of sound, equal to 20 times the logarithm
76 to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which
77 is 20 micropascals (20 micronewtons per square meter).

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79 *Non-Residential Property* means any property which is not *Residential Property*.

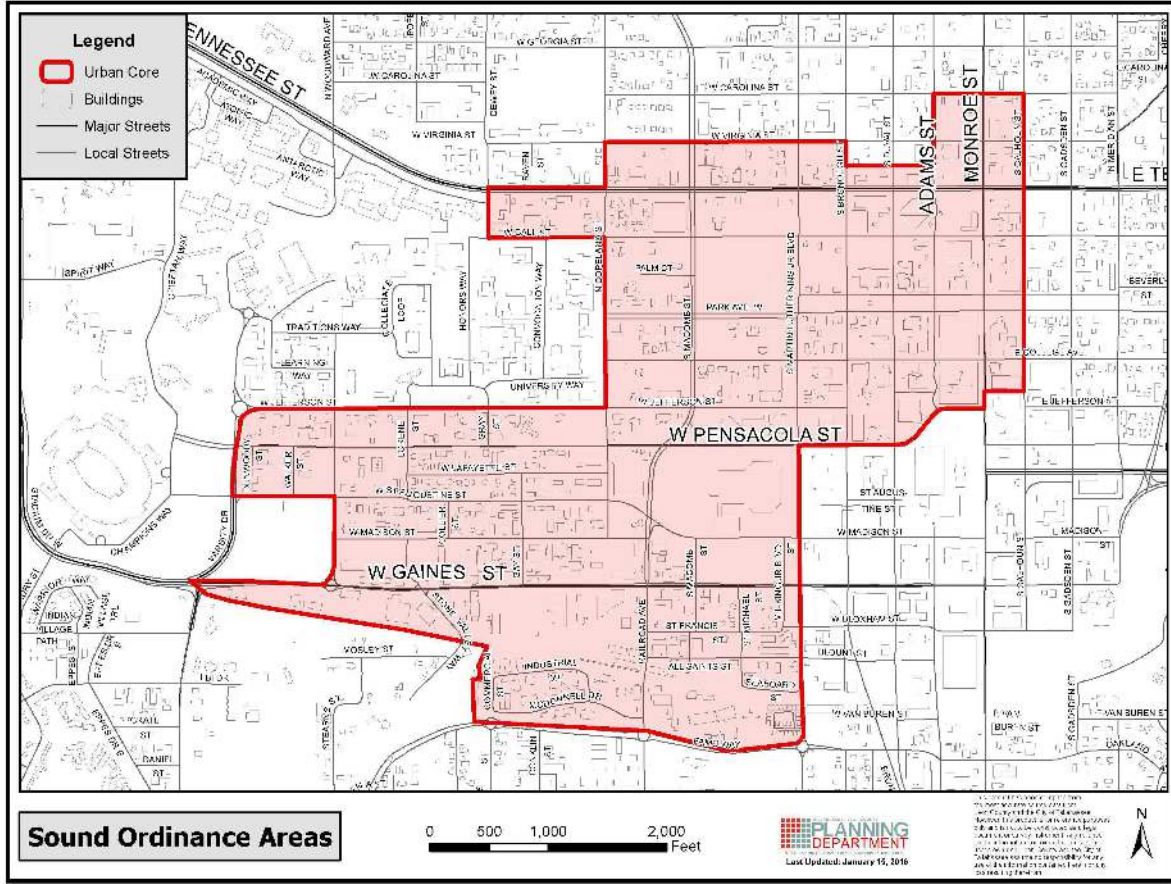
80
81 *Residential Property* means property which satisfies all of the following criteria: (a) the property
82 is outside the *Urban Core District*, (b) the property contains habitually occupied sleeping
83 quarters, and (c) the property is located in one of the following zoning districts: LP, MH, NBO,
84 OR-1, R-1, R-2, R-3, R-5, RA, RP-1, RP-2, RP-MH, RP-R, RP-UF or UF.

85
86 *Sound* means a physical disturbance causing an oscillation in pressure in a medium, such as air,
87 that is capable of being detected by the human ear or a sound measuring instrument.

88
89 *Sound Level* means the weighted sound pressure level as measured in dB(A) or dB(C) by a sound
90 level meter.

92 Sound Level Meter means an instrument, including a microphone, an amplifier, an output meter,
 93 and frequency weighting networks, for the measurement of sound levels.

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 95 Urban Core District shall constitute that area of the City as depicted on the map below.
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97
 98
 99 Sec. 12-94. Maximum Permissible Sound.

100 (a) Receiving Properties in Urban Core District. No person shall cause, suffer, allow, or
 101 permit the operation of any source of sound in such a manner as to create a sound level at a
 102 receiving property within the Urban Core District, as defined in Sec. 12-93, that exceeds the
 103 sound level limits listed in Table 1.

104 TABLE 1

<u>Urban Core District</u>	
<u>Times</u>	<u>Sound Limits</u>
<u>7:00 a.m. to 2:00 a.m.</u>	not regulated
<u>2:00 a.m. to 7:00 a.m.</u>	<u>55 dB(A) or 65 dB(C)</u>

106 (b) Receiving Properties Outside Urban Core District. No person shall cause, suffer, allow,
 107 or permit the operation of any source of sound in such a manner as to create a sound level at a
 108 receiving property, within the City limits in any section of the City which does not fall within the
 109 Urban Core District, that exceeds the sound level limits listed in Table 2. The land use
 110 (Residential or Non-Residential as defined in Sec. 12-93) for the complainant's property shall
 111 determine the applicable sound limit outside the Urban Core District.

112 TABLE 2

<u>Residential Property</u>	
<u>Times</u>	<u>Sound Limits</u>
<u>7:00 a.m. to 10:00 p.m.</u>	<u>55 dB(A) or 65 dB(C)</u>
<u>10:00 p.m. to 7:00 a.m.</u>	<u>50 dB(A) or 60 dB(C)</u>
<u>Non-Residential</u>	
<u>Times</u>	<u>Sound Limits</u>
<u>7:00 a.m. to 10:00 p.m.</u>	<u>70 dB(A) or 85 dB(C)</u>
<u>10:00 p.m. to 2:00 a.m.</u>	<u>70 dB(A) or 80 dB(C)</u>
<u>2:00 a.m. to 7:00 a.m.</u>	<u>55 dB(A) or 65 dB(C)</u>

126
 127 (c) Sound level Measurements.

128 (1) Outdoor sound level measurements shall be taken on or within the real property
 129 line of the complainant.

130 (2) The measurement of sound shall be made with a sound level meter which
 131 complies with the standards for a Type 2 sound level meter in accordance with ANSI
 132 S1.4-1983 issued by the American National Standards Institute. The slow response
 133 setting of the sound level meter shall be utilized for the measurement.

134
 135 Sec. 12-95. Exemptions.

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 137 The following shall be exempt from the sound level limits contained in Section 12-94:

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 139 (a) Lawn mowers and yard maintenance equipment operated between 7:00 a.m. and 7:00
 140 p.m. when operated with all manufacturer's standard mufflers and noise-reducing equipment in
 141 use and in proper operating condition.

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 143 (b) Construction operations between 7:00 a.m. and 7:00 p.m. Monday through Saturday, and
 144 between 10:00 a.m. and 7:00 p.m. on Sunday, for which building permits have been issued, or
 145 for construction operations not requiring permits due to the scope of work or ownership of the
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- 147 project by an agency of government; provided all equipment is operated in accord with the
148 manufacturer's specifications and with all standard equipment, manufacturer's mufflers and
149 noise-reducing equipment in use and in proper operating condition.
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151 (c) Nonamplified human voice.
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153 (d) Nonamplified sounds emitting from lawful public assembly or public speaking.
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155 (e) Sounds emitting from any authorized emergency vehicle when responding to an
156 emergency call or acting in time of emergency.
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158 (f) Sounds from safety signals, warning devices, and emergency pressure relief valves.
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160 (g) Electrical or mechanical equipment or devices, including compressors, generators,
161 reciprocating engines, air handlers, and HVAC units, installed on or in buildings or facilities,
162 leased, owned or operated by governmental entities including the City of Tallahassee, Leon
163 County, the Leon County School District, the State of Florida, Florida State University, Florida
164 A&M University, and Tallahassee Community College.
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166 (h) Sounds from emergency generators when there is loss of power for any cause other than
167 non-payment of utility services.
168
169 (i) Aircraft operated in conformity with, or pursuant to, federal law, federal air regulations
170 and air traffic control instruction.
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172 (j) Sounds emitting from the normal operations of interstate motor and rail carriers, to the
173 extent that local regulation of sound levels of such vehicles has been preempted by the Noise
174 Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
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176 (k) Sounds from the operation of motor vehicles to the extent regulated by Section 316.293
177 of the Florida Statutes.
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179 (l) Sounds emitting from organized sporting events; permitted fireworks displays; permitted
180 parades; permitted events on public property, including public rights-of-way; or other activity or
181 event specifically permitted by the City of Tallahassee.
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183 (m) Sanitation operations including the unloading, emptying or collection of any waste or
184 recycling container.
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186 (n) Sounds emitting from vehicles or equipment owned or operated by governmental entities
187 including the City of Tallahassee, Leon County, the Leon County School District, the State of
188 Florida, Florida State University, Florida A&M University, and Tallahassee Community College,
189 or their designees, when such vehicles or equipment are engaged in emergency operations,
190 including operations during or following storms, accidents, or other catastrophes.
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192 (o) Sounds emitting from vehicles or equipment owned or operated by governmental entities
193 including the City of Tallahassee, Leon County, the Leon County School District, the State of
194 Florida, Florida State University, Florida A&M University, and Tallahassee Community College,
195 or their designees, when such vehicles or equipment are engaged in construction operations.

196
197 (p) Sounds emitting from an establishment outside the Urban Core District, that has been in
198 continuous operation for twenty-five years or more, that is adjacent to Residential Properties and
199 has an established use, as determined by the Land Use Administrator, that produces sound levels
200 at neighboring properties beyond the limits set out in Sec. 12-94, so long as the sound levels at
201 the property boundary of the exempt establishment do not exceed 60 dB(A) or 75 dB(C) and are
202 limited to operations between the hours commencing no earlier than 7:00 a.m. and no later than
203 2:00 a.m.

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205 Sec. 12-96. Enforcement.

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207 (a) Any Tallahassee Police Department Officer or any Code Enforcement Officer, as defined
208 in Sec. 2-148 of the Tallahassee Code, may issue citations for violation(s) of Sec. 12-94.

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210 (b) Upon arrival at any property which is the subject of complaint that sound exceeds the
211 maximum levels prescribed in Sec. 12-94, the Police Officer or Code Enforcement Officer
212 responding to the complaint shall attempt to notify the owner of the property, or the person
213 responsible for sound, that sound emitting from the property is in violation of Sec. 12-94.
214 Following notice from the responding officer, the owner or person responsible for the sound
215 shall have ten (10) minutes to voluntarily reduce the sound to a level which is in compliance with
216 Sec. 12-94. If the sound is reduced within the ten (10) minute voluntary compliance period, no
217 citation shall be issued under this section except as follows. If the property which is the subject
218 of a complaint, has been the subject of a complaint within the prior six (6) months to which a
219 Police Officer or Code Enforcement Officer responded, and a voluntary compliance notice was
220 issued on such prior occasion, a citation may be issued for violation of Sec. 12-94 without notice
221 or opportunity for voluntary compliance pursuant to this subsection. In the event that a Police
222 Officer or Code Enforcement Officer is refused entrance or access to the property which is the
223 source of sound in violation of Sec. 12-94, or if a Police Officer or Code Enforcement Officer is
224 unable to determine the person responsible for the excessive sound, a citation may be issued for
225 violation of Sec. 12-94 without notice or opportunity for voluntary compliance pursuant to this
226 subsection.

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228 (c) In the event that a Police Officer or Code Enforcement Officer is refused entrance or
229 access to the property which is the source of sound in violation of Sec. 12-94, or if a Police
230 Officer or Code Enforcement Officer is unable to determine the person responsible for the
231 excessive sound, there shall be a rebuttable presumption that the property owner was responsible
232 for the sound in violation of Sec. 12-94. In such event, a citation may be issued to the property
233 owner on record with the Leon County Tax Collector, as provided in this section. The property
234 owner may rebut the presumption of responsibility by contesting the citation and establishing
235 that the property owner was not the cause or the source of the excessive sound.

237 (d) Any citation for violation of Sec. 12-94 shall contain the information prescribed in Sec.
238 2-152(c) of the Tallahassee Code. Citations shall be provided to any violator, including any
239 property owner, by hand delivery by any Police Officer or Code Enforcement Officer, or by
240 certified mail, return receipt requested.

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242 (e) Any person cited for violation of Sec. 12-94 may contest the violation within thirty (30)
243 days, and shall be brought before the City Code Magistrate or Code Enforcement Board, or shall
244 be brought before the Leon County Court. The City shall have discretion to determine the venue
245 for adjudication of the violation.

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247 (f) A fine of \$150 shall be imposed for a first violation; \$250 for a second violation; and
248 \$500 for a third and any subsequent violation. It shall be a separate violation if sound exceeding
249 the limits in Sec. 12-94, continues or re-occurs, after the passage of fifteen (15) minutes,
250 following notice of the violation, issued by a Police Officer or Code Enforcement Officer, to the
251 property owner, or person responsible for or causing the excessive sound.

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253 (g) A certified copy of the order imposing any fine under this division may be recorded as a
254 lien on the property of any violator for collection in accordance with Sec. 2-183(e) of the
255 Tallahassee Code.

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257 Sec. 12-97. Additional Remedies; Injunctions.

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259 The operation or maintenance of any equipment, device, instrument, vehicle or machinery in
260 violation of this division which endangers the comfort, repose, health and peace of residents in
261 the area is declared to be a public nuisance and the City is authorized to pursue any and all
262 remedies therefor, including petition to a court of competent jurisdiction for a restraining order
263 or injunction. Nothing herein shall be construed to limit any private right of action.

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265 Section 3. Conflict with Other Ordinances and Codes. All ordinances or parts of
266 ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance
267 are hereby repealed to the extent of such conflict.

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269 Section 4. Severability. If any provision or portion of this ordinance is declared by any
270 court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
271 provisions and portions of this ordinance shall remain in full force and effect.

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273 Section 5. Effective Date. This ordinance shall take effect March 1, 2016.

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INTRODUCED in the City Commission on the 14th day of October, 2015.
PASSED by the City Commission on the 27th day of January, 2016.

CITY OF TALLAHASSEE

By: _____
Andrew D. Gillum
Mayor

ATTEST:

APPROVED AS TO FORM

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
Lewis E. Shelley
City Attorney