

## Chapter 13

### NOISES

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Section 13.1	Prohibitions
Section 13.2	Sound limitations
Section 13.3	Noises prohibited; unnecessary noise; standard or intent; sworn complaint required
Section 13.4	Violations; penalties
Section 13.5	Additional remedy; injunction
Section 13.6	Enforcement standards
Section 13.7	Use of loudspeakers, public address systems

**Cross references:** *Administration*, Chapter 2; *Health and Sanitation*, Chapter 10; *Housing*, Chapter 11.

## Section 13.1 Prohibitions

It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the limits set forth in this chapter.  
(Ordinance No. 9714, 1-8-98)

## Section 13.2 Sound limitations

(a) **Terminology and standards.** All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the *American National Standards Institute (ANSI)* or its successor body.

- (1) **A-weighted sound level** means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated *dab*.
- (2) **Decibel (dB)** means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten [10] of the ratio of the pressure of the sound measured to the reference pressure, which is twenty [20] micronewtons per square meter.
- (3) **Sound pressure level** means [20] times the logarithm to the base of ten [10] of the ratio of the RMS sound pressure level to the reference of twenty [20] micronewtons per square meter.
- (4) **Sound level meter** means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of Type 2 or better, as specified in the *American National Standards Institute Publication S1.4-1971*, or its successor publications.
- (5) **Sound level** means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in *American National Standards Institute specifications for sound level meters, ANSI S1.4-1971*, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.
- (6) **Person** means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, the state, or any political subdivision thereof.
- (7) **Emergency work** means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or eminent peril.

(b) **Measurement of sound.** Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound as provided for in this Chapter shall be those as specified in Section 13.6.

(c) **Maximum permissible sound levels by use occupancy.** 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 1, more than ten percent [10%] of any measurement period, which shall not be less than ten [10] minutes when measured at or beyond the property boundary of the land use from which the sound emanates.

(d) **Sound level limit table.**

<i>Use occupancy category</i>	<i>Time</i>	<i>Sound Level Limit dBA</i>
Residential	7 a.m.—10 p.m.	60
	10 p.m.—7 a.m.	55
Commercial	10 p.m.—7 a.m.	55
	7 a.m.—10 p.m.	65
Industrial	10 p.m.—7 a.m.	60
	At all times	75

(e) **Exemptions.** The following uses and activities shall be exempt from noise level regulations except as listed in Table 1:

- (1) Air conditioners are exempt from provisions of Table 1 of this chapter when this equipment is functioning in accord with the manufacturer’s specifications and with all manufacturers’ standard mufflers and noise-reducing equipment in use and in proper operating condition according to standards promulgated by the *American Refrigeration Institute*. The same exception shall apply to lawn mowers and agricultural equipment during daylight hours
- (2) Non-amplified crowd noises resulting from the activities such as those planned by student, governmental or community groups.
- (3) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with the manufacturers’ specifications and with all standard equipment, manufacturers’ mufflers and noise reducing equipment in use and in proper operating condition.

- (4) Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches.
- (5) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency
- (6) Noises resulting from emergency work as defined in subsection 13.2(a)(7).
- (7) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the City in accordance with Subsection 13.2(f). Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in Subsection 13.2.
- (8) Noises made by persons having obtained a permit to use the streets.
- (9) All noises coming from the normal operations of air craft (not including scale model aircraft)
- (10) All noises coming from the normal operations of railroad trains except as provided in Section 13.10.
- (11) Those motor vehicles controlled by Section 316.293, *Florida Statutes*, as may be amended, but not those motor vehicles exempted from coverage
- (12) Motor vehicles defined in Section 316.293(6)(a) and (b), *Florida Statutes*

(f) **Special permits.** Applications for a permit for relief from the maximum allowable noise level limits designated in this Chapter may be made in writing to the City Manager or his duly authorized representative. Any permit granted by the City Manager hereunder must be in writing and shall contain all conditions upon which said permit shall be effective. The City Manager, or his duly authorized representative, may grant the relief as applied for under the following conditions:

- (1) The City Manager 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.
- (2) **Permits for entertainment.** Permits may be granted for the purpose of entertainment under the following conditions:
  - (a) The function must be open to the public (admission may be charged).
  - (b) The function must take place on public property.

- (c) The permit will be given for only four [4] hours in one 24-hour day.
  - d) The function must be staged between the hours of 9:00 a.m. and 12:00 midnight.
- (3) **Other.** Special permits for non-entertainment special purposes may be issued under the following conditions:
- (a) If the special purpose relates to the operation of a trade of business that the special purpose not be in the ordinary course of that trade or business: or
  - (b) If the special purpose does not relate to the operation of a trade or business that the special purpose not be an ordinary event in the affairs of the applicant;
  - (c) If the special purpose be a recurring purpose and that it not recur more often than four [4] times each calendar year;
  - (d) That the special purpose be absolutely necessary to the operation of the applicant's trade or business; or if the special purpose does not relate to the operation of the trade or business, that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur;
  - (e) Except in emergency situations, as determined by the City Manager, the special permit may be issued only for four [4] hours between 7:00 a.m. and 11:00 p.m. on weekdays; and a Special permit may be issued for no longer than fifteen [15] consecutive days, renewable by further application to the City Manager.
- (4) No permit may be issued to permit the use of any loud-speaker or sound-amplifying device on the exterior of any building which at any time exceeds the sound level limits in Table 1 except those used for emergency warnings.

(Ordinance No. 9714, 1-8-98)

**Section 13.3 Noises prohibited; unnecessary noise; standard or intent; Sworn complaint required**

(a) Some sounds maybe such that they are not measurable or may not exceed the limits but they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety welfare and prosperity of the residents of the City.

(b) With the exception of those exemptions provided by state law, noises prohibited by this Section 13.3 are unlawful notwithstanding the fact that no violation of Section 13.2 is

involved, and notwithstanding the fact that the activity complained about is exempted in Subsection 13.

(c) Thus the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Chapter, but said enumeration shall not be deemed to be exclusive, namely:

- (1) The sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; the sounding of any signaling device.
- (2) The using, operating, or permitting to be played, used or operated any radio television, tape or record player, amplifier, musical instrument, or other machine or device used for the production, reproduction or emission of sound, any prolonged sounds made by people and the keeping of any animal which by causing frequent or long continuous noise in such manner as to disturb the public peace, quiet and comfort of the neighboring inhabitants or at any time with greater intensity than is necessary for convenient hearing for the persons who are in the room, vehicle, or chamber in which such sound emitter is operated and who are voluntary listeners thereto. Quieter standards are expected during nighttime hours.

(d) Any person making a complaint under this section shall be required to sign a sworn affidavit prior to a warrant being issued: Otherwise no such complaint will be honored. (Ordinance No. 9714, 1-8-98)

#### **Section 13.4 Violations; penalties**

(a) Violation of any provision of this ordinance shall be a non-criminal violation, punishable as a class 3 violation as set forth in Section 2.59 of this Code, and the County Court shall have jurisdiction over the enforcement of this Chapter.

(b) Upon conviction of being in violation of this Chapter three [3] times for the same offense within a twelve [12] month period, when such sound is created by the same sound emitter or same type of sound emitter, the noise-creating equipment may be confiscated by the court following such latest conviction until such time as the offender can satisfy the court that he is prepared to and, in fact, will operate said equipment within the limits of this chapter. Further violation shall result in the permanent confiscation by the court upon such conviction.

(c) The owner of property, a tenant, a lessee, a manager, an overseer, an agent, corporation, or any other person or persons entitled to lawfully possess or who claims unlawful possession of such property at the particular time involved shall each be responsible for compliance with this Chapter and each may be punished for violation of this Chapter. It shall not be a lawful defense to assert that some other person caused such sound, but each lawful possessor or claimant of the premises shall be responsible for operating or maintaining such

premises in compliance with this Chapter and shall be punished whether or not the person actually causing such sound is also punished.  
(Ordinance No. 9714, 1-8-98)

### **Section 13.5 Additional remedy; injunction**

The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof which endangers the comfort, repose, health and peace of residents in the area is declared to be a public nuisance and the City is authorized to pursue any and all remedies therefor. Nothing herein shall be construed to limit any private right of action.  
(Ordinance No. 9714, 1-8-98)

### **Section 13.6 Enforcement standards**

Standards for enforcement of this Chapter shall be in accordance with those adopted by reference in this Chapter and as may be amended from time to time. Amendments to the enforcement standards may be made by the city manager; based upon best professional information available to him, which are necessitated by changes in sound measuring equipment or change in prevailing academic, technical, or operational criteria. Such amendments shall become effective upon filing them in writing with the City Clerk.  
(Ordinance No. 9714, 1-8-98)

### **Section 13.7 Use of loudspeakers, public address systems**

Loudspeakers or public address systems used to produce sound signals from any source for either advertising or other purposes may not be operated on or over public property and public rights-of-way, unless a license has been issued by the license officer. Such systems may be used Monday through Saturday during daylight hours only.  
(Ordinance No. 9714, 1-8-98)