

Chapter 16

NOISE*

* **Editors Note:** Ordinance No. 1982, adopted May 18, 1994, amended Ch. 16 in its entirety to read as herein set out. Former Ch. 16, §§ 16-1--16-6 pertained to similar subject matter and derived from Code 1964, §§ 17-16--17-19, 17-25; Ord. No. 1722, §§ 2--5, adopted August 22, 1990 and Ord. No. 1800, § 1, adopted September 4, 1991.

Cross References: Time restriction for music and other entertainment in alcoholic beverage establishments, § 3-10; animals, Ch. 4; barking dogs, § 4-5; buildings and building regulations, Ch. 5; code enforcement, Ch. 6; planning and development, Ch. 19; platting, Ch. 20; streets, sidewalks, bridges and other public places, Ch. 23; traffic and vehicles, Ch. 25; zoning, Ch. 27.

Sec. 16-1. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Air conditioning: The process of treating air so as to control simultaneously its temperature, humidity, cleanliness, and distribution to meet the requirements of the conditioned space.

Ambient sound: The all-encompassing sound associated with a given environment, being a composite of sounds from many sources, near and far. For the purposes of this chapter, ambient sound level is that level which is exceeded only fifty (50) percent of the time during an observation period of not less than eight (8) minutes excluding random or intermittent sounds and the alleged offensive sound at the location and the time of day at which a comparison with an alleged offensive sound is to be made. The evaluation of the ambient sound level may be done in accordance with American National Standards S 1.13-1971 or may be done manually as follows.

- (1) Observe a sound level meter at either five (5) second or ten (10) second intervals, and record the A-weighted level indicated by the meter needle with the meter on fast response.
- (2) Repeat the observations and measurements over a period of not less than eight (8) minutes and over a sufficient time period so as to make at least fifty (50) readings.
- (3) Calculate the A-weighted sound pressure level that is exceeded fifty (50) percent of the observation period (L50).

Authorized emergency vehicle: Authorized emergency vehicle shall include the following:

- (1) All vehicles of the state department of transportation designated as emergency vehicles by the department.
- (2) All police and fire vehicles of any municipality, or county, or of the state.
- (3) Emergency vehicles of any of the several departments of the city.

- (4) Emergency vehicles of any public service corporation.
- (5) All ambulances and rescue vehicles.

Convenient hearing: Any sound which is plainly audible, as defined in this section, more than fifteen (15) feet outside of the room, vehicle, or chamber in which such sound is created.

Decibel: A unit for measuring the intensity of a sound, the mathematical formula for which is expressed as the volume of a sound which is equal to ten (10) times the logarithm to the base ten (10) of the ratio of the intensity of the sound to the intensity of a specified standard sound; abbreviated dB.

Device: A radio receiving set, compact disk player, television set, musical instrument, cassette player, phonograph, sound amplifier, stereo set, tape player, loudspeaker, electronic audio device, or other machine for the producing or reproducing of sound.

Discrete tone: A pure tone or a single frequency sound. This is expressed technically as a sound wave whose instantaneous sound pressure varies essentially as a single sinusoidal function of time.

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 or work by private or public utilities when restoring utility service.

Excessive, unnecessary or offensive sound: The following all constitute excessive, unnecessary or offensive sound:

- (1) Any sound in excess of the sound pressure levels established in this chapter.
- (2) In the absence of specific maximum sound levels established herein, any sound level which exceeds the ambient sound level by 5 dBA or more, when measured at (1) the property line of the property on which the sound is generated if it is generated on private property, except in the case of multi-family residential buildings, in which case it may be measured in any dwelling unit except the one in which the sound is generated; (2) if the sound is generated in a public right-of-way, then the sound level shall be measured at least twenty-five (25) feet from the source of the sound.
- (3) Sound of such character, intensity and duration as to be detrimental to the life or health of any individual, or is a disturbance of the public peace and welfare.
- (4) The using, operating, permitting to be played, used or operated, of any device in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, vehicle or chamber in which such device is operated.
- (5) The using, operating or permitting to be played, used or operated, of any device in such manner as to be plainly audible at a distance of fifty (50) feet or more from the building or premises from

which such sound is emanating, between the hours of 10:00 p.m. and 7:00 a.m.

- (6) The using, operating or permitting to be played, used or operated, of any device in such manner as to be plainly audible at a distance of one hundred (100) feet or more from the building or premises from which such sound is emanating, between the hours of 7:00 a.m. and 10:00 p.m.
- (7) Sound control measurement standards:
 - a. The sound from any activity or from any permissible use of property within the meaning of the applicable zoning district classifications of the city, except sound caused by the operation of the motor of a motor vehicle or the operation of air-conditioning or air-handling equipment, shall be excessive, unnecessary or offensive if it exceeds the sound levels as measured on the A-scale which are herein prescribed, the measurement of which is based upon decibels, (i.e., 0.00032 microbar). Day refers to the time between 7:00 a.m. and 10:00 p.m. and night refers to the time between 10:00 p.m. and 7:00 a.m. All measurements, as well as the method employed, shall be consistent with the regulations of the American National Standards Institute or its successor bodies and shall represent the A-weighted sound pressure level which is exceeded fifty (50) percent of the time (L50) during the observation period as described in section 16-1 in the definition of ambient sound.
 1. At no point on the boundary of, or within an area used, for single-family residential property and as a result of any sound source outside of the property in question, may the following sound pressure levels be exceeded. Day: 55 dBA. Night: 50 dBA.
 2. At no point on the boundary of, or within an area zoned as multi-family residential property, public property, and institutional property and as a result of any sound source outside of the property in question, may the following sound pressure levels be exceeded. Day: 60 dBA. Night: 55 dBA.
 3. At no point on the boundary of, or within an area zoned as retail or commercial use and as a result of any sound source outside of the property in question, may the following sound pressure levels be exceeded. Day: 65 dBA.
 4. At no point on the boundary of, or within a property zoned as light or restricted industry and as a result of a sound source within the boundary or another property, may the following sound pressure levels due to the sound source be exceeded. Day: 65 dBA.
 5. At no point on the boundary of, or within a property zoned as industrial use and as a result of a sound source within the boundary of another property, may the following sound pressure levels due to the sound source be exceeded. All yards and terminals associated with railroads shall be considered as industrial areas for the purposes of sound control. Day: 70 dBA.

6. At no time within any sleeping or living room in any dwelling unit may the following sound levels be exceeded as a result of any sound source located either outside of the property on which the dwelling is located, or, in the case of multiple-dwelling structures, in any other dwelling unit or common area. Day: 50 dBA. Night: 45 dBA.
 7. For any source of sound the maximum sound pressure level shall not exceed the sound pressure level limits in divisions (i) through (vi) above by the following:
 - i. 10 dBA from 7:00 a.m. to 10:00 p.m. in any residential area.
 - ii. 5 dBA from 10:00 p.m. to 7:00 a.m. in any residential area.
 - iii. 10 dBA at all times in commercial manufacturing, industrial, or agricultural land use area.
 8. For any source of sound which emits a pure tone, the sound level limits set in divisions (i) through (vi) above shall be reduced by 5 dB.
- b. Sound resulting from the operation of outdoor equipment.
1. Sound resulting from the operation of any air-conditioning or air-handling equipment in such a manner as to exceed in an area of single- or multi-family residential use any of the following sound levels for fifty (50) percent of the observation period as described in this section in the definition of ambient sound, shall be deemed to be excessive, unnecessary or offensive.
 2. Sound resulting from the operation of any stationary emergency generator in any zoning district shall be exempt from the sound rating values set forth in subsection 16-1(7)a. when operated during power outages; provided however, the generator must be enclosed in a sound absorbing encasement and in no event shall the sound rating value of generators in any district exceed 76 dBA at twenty-three (23) feet or seven (7) meters. Stationary emergency generators operating in all districts may be operated for testing purposes one (1) time for a period not to exceed thirty (30) minutes in any seven-day period. Testing of stationary emergency generators in all districts is permitted between the hours of 11:00 a.m. through 8:00 p.m. Monday through Saturday. No testing of stationary emergency generators in any district is permitted on Sundays or federal holidays.
 - i. For purposes of this section, stationary emergency generator means any stationary or nonportable internal combustion engine located at a facility or residential home/development that serves solely as a secondary source of mechanical or electrical power when the primary source is disrupted or discontinued during a period of emergency due to a situation beyond the control of the owner/operator of the facility or residential home/development. A stationary emergency generator shall operate only

during emergency situations or for standard performance testing procedures as required by law or by the engine manufacturer. The hours of operation per calendar year for such standard performance testing shall not exceed fifty (50) hours. A stationary emergency generator that serves as an energy or power source in circumstances other than emergency situations or for standard testing, such as load shedding or peak shaving, shall not be considered a stationary emergency generator.

- ii. Emergency situation is defined as loss of primary power due to power outage, on site disaster, or act of God, beyond the control of the owner/operator. Emergency situation shall not include power interruptions pursuant to an interruptible power service agreement, engine testing or scheduled maintenance.

- (8) Any act of yelling, shouting, screaming or the like, which is of such character, intensity or duration as to be detrimental to the life or health of any individual, or a disturbance of an adjacent resident's quietude or sleep during nighttime hours (between 9:00 p.m. and 7:00 a.m. of the following day) or of the public peace and welfare.

Fixed source: A device capable of creating a noise level at the property upon which it is regularly located, including but not limited to industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus, refrigeration machines, or pool heaters.

Fluctuating sound: A sound in which the loudness varies with time. This is expressed technically as a sound whose sound pressure level varies significantly and exceeds the ambient sound level.

Impulsive sound: An impulsive sound is a very short, loud sound. It is a sound characterized by brief exertions of sound pressure which significantly exceeds the ambient sound pressure.

Intermittent sound: An interrupted sound which recurs at either regular or irregular intervals, excluding an impulsive sound. The sound pressure level of an intermittent sound will equal the ambient environmental level two (2) or more times during the period of observation.

Motor vehicle: Any vehicle which is self-propelled except one which is operated on rails.

Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground.

Motor-driven cycle: Any motorcycle, and any motor scooter with a motor which produces not more than five-brake horsepower, including every bicycle with a motor attached.

Nonsteady sound: The same as a fluctuating sound.

Period of observation: The time interval during which acoustical data and facts are obtained.

Plainly audible sound: Any sound for which the information content of that sound is unambiguously

communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

Railroad: A carrier of persons or property upon cars operated upon stationary rails.

Railroad train: An engine propelled by steam, electric, diesel, or gasoline power, with or without cars coupled thereto, operated on rails and including motor vehicles so adapted while operating on rails.

Sound: An oscillation in pressure, particle displacement, particle velocity, or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency. In addition, sound is the sensation perceived by the sense of hearing.

Sound level: The A-weighted sound pressure level measured with fast response using an instrument complying with the specifications for sound level meters of the American National Standard Institute, or its successor bodies, except that only A-weighting and fast dynamic response need be provided.

Sound pressure level: The sound pressure level, in decibels, of a sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to the reference sound pressure. The reference is 0.0002 ubar. The sound pressure level may be evaluated using Flat, A, B, or C scales as defined by the American National Standards Institute and shall be labeled dB, dBA, dBB, or dBC respectively.

Steady sound: A nonfluctuating sound or a sound whose level remains essentially constant during the period of observation.

Zoning district: Any of the several designated categories stating land use and building size, bulk, and density requirements, which are contained and enumerated in the zoning code of the city. (Ord. No. 1982, § 1, 5-18-94; Ord. No. 2077, § 1, 3-20-96; Ord. No. 2402, § 1, 1-9-2008)

Sec. 16-2. Sound regulations--Prohibited acts and limitations.

All of the following acts are prohibited.

- (1) *Animals.* It shall not be a violation of this chapter for any animal, bird, or fowl to give a sound of danger or warning in accordance with its nature or training under particular circumstances reasonably causing it to do so.
- (2) *Construction activity.*
 - a. It shall only be lawful for a person, firm or corporation to do, perform or engage in any construction work, building, excavating, hoisting, grading, pneumatic hammering, demolition, dredging, building alteration or repair work of any nature to any building or structure in the city between the hours of 7:00 a.m. and 8:00 p.m. of any weekday and any Saturday. It shall also only be lawful for a person, firm or corporation to conduct any pile-driving activity between the hours of 8:00 a.m. and 5:30 p.m. on any weekday and any Saturday. It shall be unlawful to engage in any of the aforesaid activity on any other

day except any weekday and any Saturday unless permission is received pursuant to paragraph b below. For purposes of this subsection, the term "any weekday and any Saturday" means any calendar day, except Sunday, which is not a holiday. The word "holiday" means:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Whenever any of the above holidays falls on a Sunday, the Monday next shall be deemed a holiday.

- b. Any person desiring to engage in the aforesaid activity beyond the stated hours of limitation, based upon cases of urgent necessity or upon the interests of public health, safety, and ultimate convenience, may apply to the city building and zoning director for a special permit allowing it. The permits, if granted, shall be limited to a period of up to three (3) days duration, but may be renewed for additional periods of up to three (3) days each if the emergency or need continues. In the issuance of these permits the city building and zoning director should weigh all facts and circumstances and should determine whether the reasons given for the urgent necessity are valid and reasonable, whether the public health, safety, and ultimate convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship. Upon an affirmative finding of the foregoing considerations, the city building and zoning director or his designee is authorized to issue the permit requested and any extensions thereof, as may be required.
- c. None of the prohibitions of this chapter shall be applied to and enforced against excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day.
- d. Despite any provision which is or may appear to be to the contrary in the foregoing, the city council delegates to the mayor, as the city's authorized agent, the authority to grant exceptions to the limitations appearing in subparagraph a. above, if the mayor determines that consideration affecting public necessity outweigh the temporary disruption of the public's peace and quiet caused by the noise associated with construction activities. In deciding to grant any such exception, the mayor will determine if exigent circumstances

are present, such as, but not limited to, a need to respond to or repair damage attributable to an act of God, severe weather conditions, natural or manmade disasters or the like, or to expand, improve, repair or restore elements of infrastructure, utilities services and the like. Any such exception, if granted, will be subject to conditions and limitations tailored to meet the particular circumstances, which conditions and limitations will address time, place and duration restrictions, in an effort to minimize the effects on members of the public.

- (3) *Device.* No person shall use, operate, or play any device on private property which produces a sound pressure level of 65 dBA during the day or 60 dBA during the night when measured upon any public property or public right-of-way or on any private property.
- (4) *Excessive, unnecessary or offensive sound.*
 - a. No person shall make or create excessive, unnecessary or offensive sound within the city.
 - b. No person owning or in possession or control of any building or premises, shall use the building or premises, or permit the building or premises to be used for any business, employment, or residential use, or for any purpose of pleasure or recreation, if the use produces excessive, unnecessary, or offensive sound.
 - c. No person shall use, operate, or play any device at an excessive, unnecessary or offensive sound level.
- (5) *Horns and signal devices.* No person shall sound any horn or audible signal device of any motor vehicle, boat, train, engine, machine, or stationary boiler of any kind while not in motion, nor shall the horn or signal device be sounded under any circumstances except as required by law or as a danger warning, nor shall it be sounded for any unnecessary or unreasonable period of time. This section shall not be construed as forbidding the use of a signal device on an emergency vehicle as a warning signal during the use thereof.
- (6) *Lawn-maintenance devices.* It shall be unlawful to operate lawn mowers, edgers, trimmers, and power-driven hedge shears in the city between the hours of 9:00 p.m. and 8:00 a.m. However, this section shall not apply to the operation of such equipment on golf courses.
- (7) *Outdoor entertainment.* No person owning or in possession or control of any business premises may permit the use or operation on said premises of any device to produce or reproduce sound between the hours of 10:00 p.m. through 7:00 a.m. unless said device is wholly contained within a building which has all of its windows closed. In addition, all persons owning or in possession or control of said premises must use all reasonable efforts to insure that the doors of said building are closed, except during those moments when patrons, invitees, or employees of said business are actually using said doorways for ingress and egress.
- (8) *Vehicles, boats.*
 - a. It shall be unlawful to discharge into the open air the exhaust of any steam engine,

turbine, or internal combustion engine of any kind, whether on a motor vehicle, boat, or any machine of any kind, except through a muffler or other device which will prevent excessive, unnecessary or offensive sound therefrom.

- b. It shall be unlawful for any person to operate a motor vehicle or motor-propelled boat so out of repair, defective, or under any condition of load, acceleration, or deceleration, as to create excessive, unnecessary or offensive sounds therefrom.
- c. Motor vehicle sound violations standards, and procedures shall be established in F.S. Ch. 316.
- d. It shall be unlawful for any person to operate any motor of a motor vehicle of a weight in excess of eight thousand (8,000) pounds for a consecutive period of time longer than five (5) minutes while the vehicle is standing on private property and located within one hundred fifty (150) feet of property zoned and used for multiple residential purposes, except where the vehicles are standing within a completely enclosed structure. Emergency vehicles and public transportation vehicles shall be exempt from this provision. Delivery vehicles shall be exempt when a motor is an integral component of the loading or unloading process in question.
- e. No person shall operate, modify, or change the exhaust muffler, intake muffler, or any other sound abatement device of a motor vehicle so that the sound emitted by the vehicle is at a sound level greater than the sound level of the vehicle as originally manufactured. Procedures used to establish compliance with the requirements of this chapter are the same as those employed for new motor vehicles.
- f. No person shall operate any engine-powered pleasure vessel, engine-powered craft, or motorboat on any body of water, lake, canal, or waterway being within the city in such a manner as to exceed the sound limit of 74 dBA, as measured at a distance of not less than fifty (50) feet from the path of travel.

(Ord. No. 1982, § 1, 5-18-94; Ord. No. 2101, § 1, 8-28-96; Ord. No. 2248, § 1, 3-7-2001)

Sec. 16-3. Same--Exceptions.

All of the following acts are exceptions to section 16-2:

- (1) *Agricultural*. This provision will not limit or hinder normal operations of a farm or ranch in Plantation Acres, which is the area defined as the RURAL SPI-1 district as of the passage of Ordinance Number 1172, such noises, including, but not limited to, the noises from animals, fowl, farm equipment, tree cutting, pumping and similar noises that are characteristic of the uses described in the RURAL SPI-1 district.
- (2) *Emergency vehicles*. The provisions of this chapter shall not apply to the vehicles of the police and fire departments or other vehicles of an emergency nature while sounding emergency warning devices.

- (3) *Places of worship.* Nothing in this chapter shall prevent any religious organization, with premises for worship within the city limits, from broadcasting bells, chimes and other music which is in keeping with the services of the house of worship and customarily employed by such organizations, provided that such broadcast shall not occur later than 8:00 p.m., except by special permission of the mayor of the city.

(Ord. No. 1982, § 1, 5-18-94)

Sec. 16-4. Manner of enforcement.

(a) *Public nuisance declared.* In addition to the penalty provided in section 1-13, a violation of any portion of this chapter may be prosecuted in the same manner as any violation of any other city ordinance through the city's code enforcement board; provided however, that whenever a violation of this chapter creates a discomfort or annoyance to reasonable persons of normal sensitivity, then a violation of any provision under the chapter shall be deemed and is declared to become a public nuisance, may be subject to abatement summarily by restraining order or injunction issued by a court of competent jurisdiction.

(b) *Sound measurement.* For the purpose of determining and classifying any sound as excessive, unnecessary, or an offensive sound, which is hereby declared to be unlawful and prohibited by this chapter, the following test measurements, requirements, and provisions shall be applied. However, a violation of this chapter may occur without the occasion of the measurements being made as provided for in this chapter.

(c) *Controlling provision.* If more than one (1) provision herein applies to the sound level or sound pressure level at issue, then the provision which is most restrictive shall control.

(d) *Relief of hardship permit.* Applications for a permit for temporary relief may be made on the basis of hardship, to the city building and zoning director or his duly-authorized representative. A permit granted hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time period during which the permit shall be in effect. The permit for temporary relief may be granted if: (1) additional time is required for the applicant to modify his activity to comply with this chapter; (2) compliance with this chapter will necessitate the taking of measures, which, because of their extent or cost, must be extended over a period of time (variance granted for this reason shall prescribe the time table for taking the measures required); (3) the activity or sound source is of a highly temporary nature and the activity cannot be performed in a manner that will comply with this chapter and no other reasonable alternative is available to the applicant; (4) the sound is being made in an area which is so remote from other persons and businesses that no person could reasonably be disturbed by the sound. The city building and zoning director may prescribe any condition he deems necessary to minimize any adverse effect upon the community.

(Ord. No. 1982, § 1, 5-18-94)