

ORDINANCE NO. 14-033

AN ORDINANCE AMENDING AND RENUMBERING PORTIONS OF **CHAPTER 11, OFFENSES-MISCELLANEOUS, ARTICLE 1 GENERAL** RELATING TO NOISE CONTROL AND REGULATION; AMENDING AND REVISING DEFINITIONS, STANDARDS, AND SOUND LEVELS FOR VARIOUS USE DISTRICTS AND TIME PERIODS; **DELETION OF CURRENT SECTION 11-52; CREATION OF NOISE CONTROL AND SECTIONS 11-52.1 THROUGH SECTION 11-52.22**; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce, Florida has made the following determinations:

- 1) The regulation of noise is important to the health and safety of the community and its citizens; and
- 2) Updating and revising prior City ordinances, including City Ordinance No.: J-248, relating to noise regulation was necessary to effectuate said goal.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1: Chapter 11 Offenses-Miscellaneous, Article 1 General is amended as follows:

Sec. 11-1. State misdemeanors.

It shall be unlawful for any person to commit, within the limits of the city, any act which is or shall be recognized by the laws of the state as a misdemeanor, and the commission of such acts shall be punished upon conviction thereof as provided by statute, not to exceed the fines and penalties as provided by section 1-5 of this Code.

Sec. 11-48. Reserved ~~Music or loud noises; hours; area.~~

~~It shall be unlawful for any person to operate, play or cause to be operated or played within that portion of the city which has been zoned and designated as a business area or business section of the city, between the hours of 11:00 p.m. and 7:00 a.m. of each day, and on Sunday from 7:00 a.m. to 1:00 p.m., and within that section or those sections of the city which have been zoned and designated as residential districts, between the hours of 10:00 p.m. and 7:00 a.m., any radio, phonograph, talking machine, piano, electric piano, music box or other machine, instrument or appliance for making music or noise, in such manner that the music or noise produced by the same may be heard at a greater distance than fifty (50) feet therefrom.~~

Sec. 11-52. Excessive, unnecessary, etc., Noises prohibited; penalty for violation.

~~(a) *Generally.* It shall be unlawful, except as expressly permitted herein, for any person to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within~~

~~the City of Fort Pierce, Florida. Failure to comply with this section shall constitute a violation of this Code.~~

~~(b) ——— *Definitions.* For the purpose of this section, the following definitions shall apply:~~

~~*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 dBA.~~

~~*Ambient noise* is 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.~~

~~*Bel* is a unit of level when the base of logarithm is ten (10). Use of the Bel is restricted to levels of quantities proportional to power.~~

~~*Decibel (dB)* is a unit for measuring the volume of a 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) micropascals (twenty (20) micronewtons) per square meter.~~

~~*Emergency work* is 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.~~

~~*Frequency* of a function periodic in time is the reciprocal of the primitive period. The unit is the cycle per unit time and must be specified.~~

~~*Person* is any person, person's firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.~~

~~*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.~~

~~*Sound level meter* is an instrument including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of noise and sound levels in a specified manner.~~

~~*Sound pressure levels* in decibel of sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.~~

~~All technical definitions are in accordance with American National Standards Institute Standard S1.1-1960 or in successor publication entitled Acoustical; Terminology, as reaffirmed.~~

~~(c) *Classification of use occupancy.* For purposes of defining the "use occupancy," all premises containing habitually occupied sleeping quarters shall be considered residential use. All premises containing transient commercial sleeping quarters shall be considered commercial use. All premises containing businesses where sales, professional or other commercial uses are legally permitted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered industrial use. In cases of multiple use, the more restrictive use category shall prevail. Hospitals, nursing homes, schools, libraries, churches and all institutional uses shall be considered residential uses. Any area not otherwise classified shall conform to commercial standards.~~

~~(d) ——— *Maximum permissible sound levels by use occupancy.* It shall be unlawful to project a sound or noise, from one property into another property within the boundary of the use occupancy, which exceeds either the limiting noise spectra set forth in Table I below or exceeds the ambient noise level by more than three (3) decibels when measured as specified under the noise enforcement practices as adopted by the city commission by ordinance.~~

- (1) ~~Sound or noise projecting from one use occupancy into another use occupancy with a different noise level limit shall not exceed the limits of the use occupancy into which the noise is projected.~~
- (2) ~~The limits hereinabove referred to shall be in accordance with the following table:~~

TABLE I
APPLICABLE NOISE LIMITS

~~Measurement period one quarter hour (continuous), as measured at the property boundary of the receiving parcel.~~

Use Classification	Sound Level in Decibels A-Scale (dBA)					
	Day (7:00 a.m.—10:00 p.m.)			Night 10:00 p.m.—7:00 a.m.		
	L_1	L_{10}	L_{50}	L_1	L_{10}	L_{50}
Residential	70	<u>65</u>	<u>60</u>	<u>65</u>	<u>60</u>	<u>55</u>
Commercial	75	70	<u>65</u>	70	<u>65</u>	<u>60</u>
Industrial	75	70	<u>65</u>	75	70	<u>65</u>

~~Level L_1 . That noise (A-weighted sound level) exceeding one per cent of a measurement time equivalent to at least fifteen (15) minutes.~~

~~Level L_{10} . That noise (A-weighted sound level) exceeding ten (10) per cent of a measurement time equivalent to at least fifteen (15) minutes.~~

~~Level L_{50} . That noise (A-weighted sound level) exceeding fifty (50) per cent of a measurement time equivalent to at least fifteen (15) minutes.~~

- (3) ~~If the noise occurs at any time on Sundays or holidays, the decibel level applicable between 10:00 p.m. and 7:00 a.m. shall prevail.~~
- (4) ~~Noise levels shall not exceed the peak noise levels, independent of time duration, set out in Table II below:~~

TABLE II
PEAK NOISE LEVEL

Use Classification	Sound Level in Decibels A-Scale (dBA)
Residential	<u>80</u>
Commercial	<u>85</u>
Industrial	<u>85</u>

- (5) ~~For noise of impulsive character (hammering, etc.), the permissible decibel levels set out in Table I shall be corrected by subtracting five (5). Impulsive sound is any sound of short duration, usually less than one second with an abrupt onset and rapid decay, e.g. explosions, blasting, and discharge of firearms.~~

~~(e) Exemptions.~~

- ~~(1) The following uses and activities shall be exempt from noise level regulations:~~
 - ~~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 as defined in subsection (b) herein.~~
 - ~~d. Noise resulting from the operation of any type of aircraft, not including scale model aircraft.~~
 - ~~e. Noise resulting from the operation of any motor vehicle as specified in Chapter 316 and Chapter 403, Florida Statutes, not including cars or trucks with loud stereos or boom boxes, tape players or sounds amounting to rolling juke boxes.~~
 - ~~f. Noise resulting from the operation of the following facilities existing and in operation on the effective date of the ordinance from which this section derives:~~
 - ~~1. Electricity regulating substations.~~
 - ~~2. Electric general 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. Air conditioners are exempt from provisions of Table I of this section when this equipment is functioning in accord with the manufacturer's specifications and with all manufacturer's 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.~~
 - ~~h. Nonamplified crown noises resulting from the activities such as those planned by student, governmental or community groups.~~
 - ~~i. 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 manufacturer's specifications and with all standard equipment, manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition.~~
 - ~~j. Noises made by persons having obtained a permit to use the streets.~~

- ~~k. Noises resulting from any authorized law enforcement and firefighting training activities including, but not limited to, police department shooting range exercises.~~
 - ~~l. Noise resulting from the activities of any permitted use, conditional use or accessory use permitted in districts zoned industrial, light or industrial, heavy.~~
 - ~~m. 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.~~
 - ~~n. Noise resulting from the operation of railways and shipping activities.~~
 - ~~o. 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 subsection (f) herein 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 shall be jointly and severally liable.~~
 - ~~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 manager or his designated appointee.~~
- ~~(2) Where an industrial or commercial use is established on property not adjacent to a residential use district and the adjacent property subsequently becomes residential, the noise resulting from the operation of the preexisting industrial or commercial use which is projected into the residential use district shall be subject to the permissible noise levels for industrial or commercial use districts, as appropriate.~~
- ~~(3) Where the noise levels for a preexisting use are more restrictive than those for a subsequent use established adjacent to the preexisting use, the noise level for the preexisting use shall apply.~~
- ~~(f) *Application for special permit.* Application for a permit for relief from the noise levels designated in this section on the basis of undue hardship may be made to the city manager or his designated appointee. Any permit granted by the city manager or his designated appointee hereunder shall be in writing and contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The city manager or his designated appointee may grant the relief as applied for under the following conditions:~~
- ~~(1) The city manager or his designated appointee 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 (admissions may be charged).~~
 - ~~b. The function must take place on public property.~~~~
 - ~~(3) Other. Special permits for nonentertainment special purposes may be issued under the following conditions:
 - ~~a. 1. If the special purpose relates to the operation of a trade or business, that the special purpose not be in the ordinary course of that trade or business; or~~~~

- ~~2. 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; and~~
- ~~b. If the special purpose be a recurring purpose, that it not recur more often than four (4) times each calendar year; and~~
- ~~c. 1. That the special purpose be absolutely necessary to the operation of the applicant's trade or business; or~~
 - ~~2. 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; and~~
- ~~d. Except in emergency situations, as determined by the city manager or his designated appointee, the special permit may be issued for only four (4) hours between 7:00 a.m. and 11:00 p.m. on weekdays; and~~
- ~~e. Special permits may be issued for no longer than fifteen (15) consecutive days, renewable by further application to the city manager or his designated appointee.~~
- ~~(4) No permit may be issued to permit the use of any loudspeaker or sound-amplifying device on the exterior of any building which at any time exceeds the sound level limits in Table I except those used for emergency warnings.~~
- ~~(g) ——— *Noises prohibited; unnecessary noise standard; sworn complaint required.*~~
 - ~~(1) Some sounds may be 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.~~
 - ~~(2) With the exception of those exemptions provided by state law, noises prohibited by this subsection (g) are unlawful notwithstanding the fact that no violation of subsection (a) is involved and notwithstanding the fact that the activity complained about is exempted in subsection (e).~~
 - ~~(3) Thus the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:
 - ~~a. 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 for any unnecessary or unreasonable period of time; and the unreasonable use of any signaling device.~~
 - ~~b. 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, disturbs 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 person or 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.~~~~
- ~~(4) 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.~~
- ~~(h) ——— *Penalties.*~~
 - ~~(1) Violation of this section is a misdemeanor pursuant to section 125.69, Florida Statutes, and is punishable under said section by imprisonment for up to sixty (60) days or a fine of up to five hundred dollars (\$500.00), or both such imprisonment and fine.~~

~~(2) Upon conviction of being in violation of this section three (3) times for the same offense within a twelve-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.~~

~~(i) *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.~~

Sec. 11-52.1. - Purpose.

(1) Excessive, unnecessary or unusually loud noise is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of city residents.

(2) It is in the public interest that the regulations contained in this chapter be adopted as public policy to promote the public health, comfort, safety, welfare and repose of the county and its inhabitants.

Secs. 11-52.2—11-52.15. - Reserved.

Sec. 11-52.16. - Terminology, standards, and definitions.

For the purposes of this chapter, the following definitions shall apply:

A-Weighting is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Ambient noise is 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.

Background sound level is the total sound pressure level in the area of interest excluding the noise source of interest.

Bel is a unit of level when the base of logarithm is ten (10). Use of the Bel is restricted to levels of quantities proportional to power.

C-Weighted scale is often used to characterize low frequency sounds capable of inducing vibrations in buildings or other structures.

Commercial property is any property zoned for commercial purposes that is used primarily for the sale of merchandise or goods, or for the performance of service, or for office or clerical work.

Construction is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

dBA is the A-weighted unit of sound pressure level. C-weighted measurements are expressed as dBC. Z-weighted measurements are expressed as dBZ.

Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

Emergency work is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or delivering essential services.

Frequency of a function periodic in time is the reciprocal of the primitive period. The unit is the cycle per unit time and must be specified.

Impulsive sound is a sound having a duration of less than 1 s with an abrupt onset and rapid decay.

Industrial property is any property that is used primarily for manufacturing or processing.

Legal holiday includes the following: New Years Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day.

Mixed use building is a building in which both residential and commercial uses are permitted.

Muffler is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.

Multi-Family dwelling is any building or other shelter that has been divided into separate units to house more than one family.

Noise is any sound that annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans or that would unreasonably interfere with the enjoyment of life or property.

Octave band is all of the components in a sound spectrum whose frequencies are separated by an octave.

Person is any person, person's firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

Real property line is the line, including its vertical extension that separates one parcel of real property from another.

Residential property is any property on which people live and sleep.

Sound level means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, C or Z 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.

Sound level meter (SLM) is an instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in the ANSI Standard S1.4-1983 or the latest version thereof.

Sound pressure level (SPL) is twenty (20) multiplied by the logarithm, to the base of ten (10), of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

Weekday is any day, Monday through Friday that is not a legal holiday.

Z-Weighting is the true absolute un-weighted dB sound levels. Un-weighted decibel measurements are used for refined analyses that require data on the frequency spectrum of a sound (e.g., when determining the sound absorption or sound transmission properties of materials). As a direct measure of the pressure fluctuations associated with sound, un-weighted decibel measurements also have considerable usefulness in evaluating noise-induced vibrations.

All technical definitions are in accordance with American National Standards Institute Standard S1.1-1960 or in successor publication entitled Acoustical: Terminology, as reaffirmed.

(c) **Classification of use occupancy.** For purposes of defining the "use occupancy," all premises containing habitually occupied sleeping quarters shall be considered residential use. All premises containing transient commercial sleeping quarters shall be considered commercial use. All premises containing businesses where sales, professional or other commercial uses are legally permitted shall be considered

commercial use. All premises where manufacturing is legally permitted shall be considered industrial use. In cases of multiple use, the more restrictive use category shall prevail. Hospitals, nursing homes, schools, libraries, churches and all institutional uses shall be considered residential uses. Any area not otherwise classified shall conform to commercial standards.

(d) Maximum permissible sound levels by use occupancy. It shall be unlawful to project a sound or noise, from one property into another property within the boundary of the use occupancy, which exceeds either the limiting noise spectra set forth in Table I below or exceeds the ambient noise level by more than three (3) decibels when measured as specified under the noise enforcement practices as adopted by the city commission by ordinance.

(1) Sound or noise projecting from one use occupancy into another use occupancy with a different noise level limit shall not exceed the limits of the use occupancy into which the noise is projected.

(2) The limits hereinabove referred to shall be in accordance with Table 1 below::

Sec. 11-52.17. - Classification of use districts.

For purposes of defining the "use occupancy," all premises containing habitually occupied sleeping quarters shall be considered in residential use. All premises containing transient commercial sleeping quarters shall be considered commercial use. All premises containing businesses where sales, professional or other commercial use is legally permitted shall be considered commercial use. All premises where manufacturing is legally permitted shall be considered industrial use. In cases of multiple use, the more restrictive use category shall prevail. Hospitals, nursing homes, schools, libraries, churches and all institutional uses shall be considered residential uses. Any area not otherwise classified shall conform to commercial standards.

Sec. 11-52.18. - Sound level limitations.

No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1 when measured from the real property line of the nearest receiving property, using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

TABLE I
SOUND LEVEL LIMITS BY RECEIVING PROPERTY

<u>Receiving Property Category</u>	<u>Time</u>	<u>Sound Level Limit (dBA)</u>	<u>Sound Level Limit (dBC)</u>	<u>Sound Level Limit (dBZ)</u>
<u>Residential</u>	<u>Monday through Saturday</u> <u>7:00 a.m.—11:00 p.m.</u>	<u>60</u>	<u>60</u>	<u>60</u>
<u>Residential</u>	<u>Sunday 7:00 a.m. – 1:00 p. m.</u>	<u>see sub (1) below</u>	<u>see sub (1) below</u>	<u>see sub (1) below</u>
<u>Residential</u>	<u>Sunday through Saturday</u> <u>11:00 p. m. – 7:00</u>	<u>see sub (1) below</u>	<u>see sub (1) below</u>	<u>see sub (1) below</u>

	<u>a.m.</u>			
<u>Commercial</u>	<u>At all times</u>	<u>65</u>	<u>65</u>	<u>65</u>
<u>Industrial</u>	<u>At all times</u>	<u>70</u>	<u>70</u>	<u>70</u>

- (1) It shall be unlawful for any person to make, continue or cause to be made or continued within that portion of the city which has been designated as a residential or mixed use area of the city, between the hours of 11:00 p.m. and 7:00 a.m. of each day, and on Sunday from 7:00 a.m. to 1:00 pm any unreasonably loud, excessive, unnecessary, or unusual noise in such manner that noise produced, or the vibration made, by the same would be obvious, or cause discomfort and annoyance to an ordinary, reasonable prudent person at a distance greater than fifty (50) feet from the real property line of the nearest receiving property. A sound level meter or sound level reading shall not be necessary for the enforcement of this paragraph.
- (2) If the noise is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m.—11:00 p.m.) limits of Table 1 shall be increased by ten (10) dBA, dBC, or dBZ.
- (3) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m.—11:00 p.m.) limit of fifty (50) dBA, dBC, or dBZ and the nighttime (11:00 p.m.—7:00 a.m.) limit of forty (40) dBA, dBC, or dBZ. as measured from a neighbor's dwelling.
- (4) In a mixed use building, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m.—11:00 p.m.) limit of fifty-five (55) dBA, dBC, or dBZ and the nighttime (11:00 p.m.—7:00 a.m.) limit of forty-five (45) dBA, dBC, or dBZ as measured within the residential use portion of the building.
- (5) In addition to the limits of Table 1, for any sound source which impacts residential property, the maximum allowable sound level limits for the individual octave bands whose centers are 31.5, 63 and 125 Hertz shall not exceed sixty-five (65) dB.

Sec. 11-52.19. - Exemptions.

- (1) The following uses and activities shall be exempt from noise level regulations:
 - (a) Noise of safety signals, warning devices, and emergency pressure relief valves.
 - (b) Noise resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency.
 - (c) Noise resulting from emergency work.
 - (d) Noise resulting from the operation of any type of aircraft, not including scale model aircraft.
 - (e) Noise resulting from the operation of any motor vehicle as specified in F.S. Ch. 316 and Ch. 403.
 - (f) Noise resulting from the operation of the following facilities existing and in operation on the effective date of this chapter:
 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. Air conditioners are exempt from provisions of Table I 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.
 - h. Non-amplified crowd noises resulting from the activities such as those planned by student, governmental or community groups.
 - i. 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 manufacturer's specifications and with all standard equipment, manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition.
 - j. Noises made by persons having obtained a Special Events permit to use the streets as provided for in Chapter 12 Article III of city code.
 - k. Noises resulting from any authorized law enforcement and firefighting training activities including, but not limited to, police department shooting range exercises.
 - l. Noise resulting from the activities of any permitted use, conditional use or accessory use permitted in districts zoned industrial, light or industrial, heavy.
 - m. 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.
 - n. Noise resulting from the operation of railways and shipping activities.
 - o. 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 11-52.20 herein 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(s) shall be jointly and severally liable.

p. 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 manager or his designated appointee.

(2) Where an industrial or commercial use is established on property not adjacent to a residential use district and the adjacent property subsequently becomes residential, the noise resulting from the operation of the preexisting industrial or commercial use which is projected into the residential use district shall be subject to the permissible noise levels for industrial or commercial use districts, as appropriate.

(3) Where the noise levels for a preexisting use are more restrictive than those for a subsequent use established adjacent to the preexisting use, the noise level for the preexisting use shall apply.

Sec. 11-52.21. – Noises Prohibited, Unnecessary Noise Standard, Sworn Complaint Required

(1) Sounds may be such that 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 as deemed by a reasonable person are prohibited.

(2) With the exception of those exemptions provided by state law, noises prohibited by this Section are unlawful notwithstanding the fact that no violation of this Chapter is involved and notwithstanding the fact that the activity complained about is exempted in this Chapter.

(3) A sound level meter or sound level reading shall not be necessary for the enforcement of this section.

Sec. 11-52.22 – Penalties for each violation

Violations of this chapter are punishable as misdemeanors pursuant to F.S. 162.22 and as provided in Section 1-5 of City Code. Each instance of a violation of this chapter shall constitute a separate offense.

SECTION 2. All other portions of current City Code in Chapter 11 Offenses – Miscellaneous, Article General shall remain the same.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage.

**APPROVED AS TO FORM
AND CORRECTNESS:**

Robert V. Schwerer, Esq., City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 14-033 was duly advertised by title only in the St. Lucie News Tribune on November 7, 2014; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on November 17, 2014; and was duly introduced, read by title only, and passed on second and final reading on December 1, 2014 by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 1st day of December, 2014.

Linda Hudson
Mayor Commissioner

Linda W. Cox
City Clerk

(City Seal)