

## **ARTICLE II. NOISE**

### **Sec. 26-37. Purpose.**

- (a) Excessive, unnecessary or unusually loud noise is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of city residents.
- (b) It is in the public interest that the regulations contained in this article be adopted as public policy to promote the public health, comfort, safety, welfare and repose of the city and its inhabitants.

(Code 1983, § 11-52.1; Ord. No. 14-033, § 1, 12-1-2014 )

### **Sec. 26-38. Terminology, standards, and definitions.**

- (a) *Definitions.* All technical definitions are in accordance with American National Standards Institute Standard S1.1-1960 or in successor publication entitled Acoustical; Terminology, as reaffirmed. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-weighting* means the electronic filtering in sound level meters that models human hearing frequency sensitivity.

*Ambient noise* means 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* means the total sound pressure level in the area of interest excluding the noise source of interest.

*Bel* means a unit of level when the base of logarithm is ten. 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* means 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* means any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

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

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

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

*Emergency work* means 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* means the reciprocal of the primitive period. The unit is the cycle per unit time and must be specified.

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*Impulsive sound* means a sound having a duration of less than one second with an abrupt onset and rapid decay.

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

*Legal holiday* means and includes the following: New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day.

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

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

*Multifamily dwelling* means any building or other shelter that has been divided into separate units to house more than one family.

*Noise* means 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* means all of the components in a sound spectrum whose frequencies are separated by an octave.

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

*Residential property* means 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)* means 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 20 multiplied by the logarithm, to the base of ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

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

*Z-weighting* means the true absolute unweighted dB sound levels. Unweighted 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, unweighted decibel measurements also have considerable usefulness in evaluating noise-induced vibrations.

- (b) *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.
- (c) *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

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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 in section 26-40.

(Code 1983, § 11-52.16; Ord. No. 14-033, § 1, 12-1-2014 )

### **Sec. 26-39. 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.

(Code 1983, § 11-52.17; Ord. No. 14-033, § 1, 12-1-2014 )

### **Sec. 26-40. 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 1. Sound Level Limits by Receiving Property

<i>Receiving Property Category</i>	<i>Time</i>	<i>Sound Level Limit (dBA)</i>	<i>Sound Level Limit (dBC)</i>	<i>Sound Level Limit (dBZ)</i>
Residential	Monday through Saturday, 7:00 a.m.—11:00 p.m.	60	60	60
Residential	Sunday, 7:00 a.m.—1:00 p.m.	See subsection (1) of this section.	See subsection (1) of this section.	See subsection (1) of this section.
Residential	Sunday through Saturday, 11:00 p.m.—7:00 a.m.	See subsection (1) of this section.	See subsection (1) of this section.	See subsection (1) of this section.
Commercial	At all times	65	65	65
Industrial	At all times	70	70	70

- (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 p.m. 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 50 feet from the real property line of the nearest

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receiving property. A sound level meter or sound level reading shall not be necessary for the enforcement of this subsection.

- (2) If the noise is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m. to 11:00 p.m.) limits of Table 1 shall be increased by ten dBA, dBC, or dBZ.
- (3) In a multifamily dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m. to 11:00 p.m.) limit of 50 dBA, dBC, or dBZ and the nighttime (11:00 p.m. to 7:00 a.m.) limit of 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. to 11:00 p.m.) limit of 55 dBA, dBC, or dBZ and the nighttime (11:00 p.m. to 7:00 a.m.) limit of 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 65 dBA, dBC, or dBZ.

(Code 1983, § 11-52.18; Ord. No. 14-033, § 1, 12-1-2014 )

### **Sec. 26-41. Exemptions.**

- (a) The following uses and activities shall be exempt from noise level regulations:
  - (1) Noise of safety signals, warning devices, and emergency pressure relief valves.
  - (2) Noise resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency.
  - (3) Noise resulting from emergency work.
  - (4) Noise resulting from the operation of any type of aircraft, not including scale model aircraft.
  - (5) Noise resulting from the operation of any motor vehicle as specified in F.S. chs. 316 and 403.
  - (6) Noise resulting from the operation of the following facilities existing and in operation on the effective date of the ordinance from which this article:
    - a. Electricity regulating substations.
    - b. Electric generation plants.
    - c. Other electric utilities.
    - d. Gas pressure control stations.
    - e. Gas production plants.
    - f. Natural or manufactured gas storage and distribution points.
    - g. Other gas utilities.
    - h. Pipeline pressure control stations.
    - i. Railroad, rapid rail transit, and street railway transportation.
    - j. Industrial wastewater disposal.
    - k. Sewage disposal.
    - l. Sewage pressure control stations.

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- m. Sewage treatment plants.
  - n. Sewage sludge drying beds.
  - o. Water utilities and irrigation.
  - p. Solid waste disposal.
- (7) Air conditioners are exempt from provisions of Table I 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.
  - (8) Non-amplified crowd noises resulting from the activities such as those planned by student, governmental or community groups.
  - (9) 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, provided that 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.
  - (10) Noises made by persons having obtained a special events permit to use the streets as provided for in chapter 28, article IV.
  - (11) Noises resulting from any authorized law enforcement and firefighting training activities, including, but not limited to, police department shooting range exercises.
  - (12) Noise resulting from the activities of any permitted use, conditional use or accessory use permitted in districts zoned industrial, light or industrial, heavy.
  - (13) 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.
  - (14) Noise resulting from the operation of railways and shipping activities.
  - (15) Noise resulting from construction activities occurring between 7:00 a.m. and sundown. The exemption shall be effective upon obtaining a building permit and shall pertain to any construction activity directly related to the construction authorized under the permit. A special permit issued pursuant to section 26-42 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 holders shall be jointly and severally liable.
  - (16) 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.
- (b) 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.
  - (c) 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.

(Code 1983, § 11-52.19; Ord. No. 14-033, § 1, 12-1-2014 )

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## **Sec. 26-42. 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. Special event permits are covered under chapter 28, article IV. Permits for noise generated by and related to public events held on public property may be obtained as provided for in chapter 28, article IV.
- (3) Other. Special permits for noise generated by non-entertainment 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.
  - b. If the special purpose be a recurring purpose, that it not recur more often than four times each calendar year.
  - 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.
  - d. Except in emergency situations, as determined by the city manager, or his designated appointee, the special permit may be issued for only four hours between 7:00 a.m. and 11:00 p.m. on weekdays; and
  - e. Special permits may be issued for no longer than 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.

(Code 1983, § 11-52.20; Ord. No. 14-033, § 1, 12-1-2014 ; Ord. No. 15-011, § 1, 6-15-2015 )

## **Sec. 26-43. Noises prohibited, unnecessary noise standard, required.**

- (a) 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.

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(b) 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 article is involved and notwithstanding the fact that the activity complained about is exempted in this article.

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

(Code 1983, § 11-52.21; Ord. No. 14-033, § 1, 12-1-2014 )

**Sec. 26-44. Penalties for each violation.**

Violations of this article shall be punishable as provided in section 1-7:

- (1) Upon receipt of a first complaint of violation at the subject location, the violator shall be given a warning;
- (2) Upon receipt of a second complaint of violation at the same location, within the same 24-hour period of time, the violator shall be issued a citation pursuant to section 1-100 with such violation to be deemed a civil infraction;
- (3) Upon receipt of a third complaint of violation within the same 24-hour period of time, at the same location, the violation shall be deemed a misdemeanor and the violator will be issued a summons to appear in court;
- (4) Upon receipt of a fourth complaint of violation within the same 24-hour of time, at the same location, the violation shall be deemed a misdemeanor as above provided and the violator shall be taken under physical arrest.

(Code 1983, § 11-52.22; Ord. No. 14-033, § 1, 12-1-2014 )

**Secs. 26-45—26-61. Reserved.**