

## Boynton Beach, FL Code of Ordinances

**Sec. 15-8. Noise control-Short title.**

Sections 15-8 through 15-8.8 shall be known and may be cited by the short title of “City of Boynton Beach Noise Control Ordinance.”

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 11-003, § 2, 2-15-11)

*Editor's note-Ord. No. 85-16, §§ 1, 2, adopted Mar. 19, 1985, provided for the repeal of § 15-8, noise, and enacted in lieu thereof new provisions relative to the same subject matter, designated as §§ 15-8—15-8.8 to read as herein set out. Formerly, § 15-8 was derived from the 1958 Code, § 17-22.2, and Ord. No. 82-12, § 1, adopted May 18, 1982.*

**Sec. 15-8.1. Same-Purpose and space.**

It is the purpose of sections 15-8 through 15-8.8 to prevent, prohibit and provide for the abatement of excessive and unnecessary noise which may injure the health or welfare or degrade the quality of life of the citizens and residents of the City of Boynton Beach. This section shall apply to the control of all sound originating within the limits of this jurisdiction.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 11-003, § 2, 2-15-11)

**Note**-See the editor's note following § 15-8.

**Sec. 15-8.2. Same-Terminology and standards.**

All terminology used in this section shall be as defined herein or, if not defined, given plain meaning by reference to common dictionary definition. When interpretation is required by reference to a source more definitive than this code or a dictionary, reference shall first be made to publications of the American National Standards Institute (ANSI):

*A-weighted sound level.* The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dBA.

*Apparent property line.* The line along the surface, and its vertical plane extension, which separates one (1) lot or parcel of property from another.

*Construction.* Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or on public or private right-of-way, structures, utilities or similar property, and excluding well pointing.

*Decibel (dB).* 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) micropascals (twenty (20) micro-newtons per square meter).

*Demolition.* Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

*Emergency.* Any occurrence or set of circumstances involving actual or eminent physical trauma or property damage which demands immediate action.

*Emergency work.* Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Holiday.* Those annual holidays designated in 5 U.S.C. 6103 to include additional days of a celebratory

nature, more specifically; New Year's Eve, Cinco De Mayo and St. Patrick's Day.

*Impulse noise.* A discrete noise or series of such noises of short duration (generally less than one (1) second) in which the sound pressure level rises very quickly to a high before decaying to the background level.

*L10 sound level.* The sound level exceeded for more than ten (10) per cent of a measurement period which for the purposes of sections 15-8 through 15-8.8 shall not be less than ten (10) minutes.

*Motorboat.* Any boat or vessel propelled or powered by machinery whether or not such machinery is the principal source of propulsion; including but not limited to boats, barges, amphibious craft, water-ski towing devices, jet skis and hover craft.

*Multifamily dwelling.* A building or other shelter that has been divided into separate units to house more than one (1) family.

*Noise.* Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise disturbance.* Any sound in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unnecessarily interfere with the enjoyment of life or property, including outdoor recreation, of a reasonable person with normal sensitivities.

*Noise sensitive zone.* Existing quiet zones until designated otherwise by a competent authority. Noise sensitive activities include but are not limited to operations of schools, libraries open to public, churches, hospitals and nursing homes.

*Person.* Any individual, association, partnership or corporation, and includes any officer, employee, department agency, or instrumentality of the United States, a state or any political subdivision of a state.

*Plainly audible.* A sound which is capable of being heard by a human being without the assistance of a mechanical or electronic listening or amplifying device.

*Powered model vehicle.* Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

*Public right-of-way.* Any street, avenue, boulevard, highway, sidewalk or alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

*Public space.* Any real property or structures thereon normally accessible to the public.

*Pure tone.* Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third octave bands by five (5) dB for center frequencies of 500 Hz and above and by eight (8) dB for center frequencies between 160 and 400 Hz and by fifteen (15) dB for center frequencies less than or equal to 115 Hz.

*Real property line.* An imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intra-building real property divisions.

*Residential.* A parcel of land whose use is designated to provide only permanent housing and excluding all tourist accommodations which includes but is not limited to hotels, motels, apartment hotels, etc.

*RMS sound pressure.* The square root of the time averaged square of the sound pressure.

*Sound.* An oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound including duration, intensity and frequency.

*Sound disturbance.* Any sound which is:

- (1) Plainly audible beyond a distance of twenty-five (25) feet or further from the apparent property line from which the sound emanates, in a single residential zoning district, or
- (2) Plainly audible in a dwelling unit adjacent to the unit from which the sound emanates or is plainly audible twenty-five (25) feet or further from the apparent property line from which the sound emanates, in multi-family residential zoning districts.
- (3) Plainly audible beyond a distance of one hundred (100) feet or further from the apparent property line from which the sound emanates when the sound emanates in a commercial zoning district and is heard in a residential zoning district.

For purpose of enforcement, it is not necessary to specifically identify the property line as would be depicted on a survey, rather an approximation of the property line may be used taking into consideration physical landmarks such as fences, landscaping, setbacks, driveways, or ground treatment.

*Sound level.* 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 specification for sound level meters, ANSI S1.4-1971, or in successor publications. If the weighing employed is not indicated, the A-weighting shall apply.

*Sound level meter.* 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 levels 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.

*Sound pressure.* The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

*Sound pressure level.* Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals ( $2 \times 10^6 \text{N/m}^2$ ). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.

*Weekday.* Any Sunday through Thursday which is not a holiday as defined herein.

*Weekend.* Any Friday or Saturday.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 86-3, § 1, 3-4-86; Ord. No. 11-003, § 2, 2-15-11)

### **Sec. 15-8.3. Same-Program administration.**

(a) The noise control program established by sections 15-8 through 15-8.8 shall be administered by the city manager, or his designee, of the City of Boynton Beach, Florida.

(b) For the purposes of section 15-8.8 and its enforcement, municipal employees or officials engaged in the measurement of noise, assessing compliance with such sections, making recommendations for noise abatement, issuing noise violations citations, or giving evidence regarding noise violations shall have received formalized training on these subjects from institutions or organizations of recognized ability and experience in environmental acoustics and noise control.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 86-3, § 2, 3-4-86; Ord. No. 89-16, § 1, 6-20-89; Ord. No. 11-003, § 2, 2-15-11)

**Note**-See the editor's note following § 15-8.

### **Sec. 15-8.4. Same-Inspections.**

Upon presentation of proper credentials, the city manager or his designee, may enter and/or inspect any private property, place, report or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of sections 15-8 through 15-8.8 may exist. Such inspection may include administration of any necessary tests.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 11-003, § 2, 2-15-11)

**Note**-See the editor's note following § 15-8.

#### **Sec. 15-8.5. Noise control—Prohibited acts.**

(a) *Noise disturbances prohibited.* No person shall unnecessarily make, continue or cause to be made or continued any noise disturbances.

(b) *Specific prohibitions.* The following acts, and the causing or permitting thereof in such a manner as to create a noise disturbance across a residential or commercial real property line, or within a noise sensitive zone, or at any time in violation of the provisions of section 15-8.8, are hereby declared to be a violation:

(1) Radios, television sets, and similar devices. Operating, playing or permitting the operation or playing of any radio, television, or phonograph, which produces or reproduces sound either mechanically or electronically.

(2) Loudspeakers. Using or operating for any purpose other than those activities specifically exempted in section 15-8.6(4) below, any loudspeaker, loudspeaker system or similar device, including sound emitting devices which may be physically attached to any motor vehicle.

(3) Street sales. Offering for sale, selling or advertising for sale by shouting or outcry, anything within any area of the city.

(4) Animals. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or otherwise makes sounds which create a noise disturbance.

(5) Loading or unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance.

(6) Construction. Operating or causing the operation of any tools or equipment used in construction, drilling, excavation, clearing, repair, alteration or demolition work on weekdays during the times specified in section 15-8.8, or at any time during Sundays or legal holidays.

(7) Fixed mechanical equipment. Operating or causing the operation of fixed mechanical equipment located on real property including HVAC equipment, motors, engines, pumps, compressors, fans, tools, machinery, and its component parts, or any other similar stationary mechanical devices and their component parts except as otherwise exempted in section 15-8.6(6).

(8) Motorboats. Operating or causing the operation of a motorboat in such a manner as to cause a noise disturbance.

(c) *Generators - exemption.* Notwithstanding the foregoing prohibited acts, the use of gasoline or propane powered generators is permitted during periods of power outage following natural disasters and during periods of maintenance. Operation for purposes of maintenance of the generator shall only occur during daylight hours on weekdays and only for the minimum amount of time required by the manufacturer. Any person using a generator, except during periods of power outage following natural disasters, is subject to the restrictions on noise generation as otherwise set forth in this chapter.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 86-3, § 3, 3-4-86; Ord. No. 89-23, § 1, 9-19-89; Ord. No. 91-8, § 3,

2-19-91; Ord. No. 06-058, § 2, 7-5-06; Ord. No. 11-003, § 2, 2-15-11)

**Note**-See the editor's note following § 15-8.

### **Sec. 15-8.6. Same-Exemptions.**

The following acts and the causing or permitting thereof shall be specifically exempted from the prohibitions of section 15-8.5.

(1) Motor vehicles. Operating motor vehicle noise enforcement procedures shall be as established in Chapter 316, Florida Statutes, and applicable rules and regulations of the Department of Highway Safety and Motor Vehicles, provided however, that this exemption shall not apply to any sound emitting devices which may be attached to any motor vehicle as prohibited by section 15-8.5(b)(2).

(2) Aircraft and interstate railway and locomotives and cars. Noise generated by aircraft and interstate railway locomotives and cars are exempt from these provisions.

(3) Emergency activities. Any noise generated as a result of emergency work or for the purpose of alerting the public to the existence of an emergency situation.

(4) Public speaking and assembly. Any noise generated by any noncommercial public speaking or public assembly activities conducted pursuant to lawful authority on any public space or right-of-way, including sporting events.

(5) Domestic power tools and lawn maintenance equipment. Any noise generated by the operation and use of domestic power tools and lawn maintenance equipment.

(6) Fixed mechanical equipment, noise generated by the operation and use of air conditioning units in residential districts.

(7) Nonamplified solo musical instrument played by an individual within a private residence between the hours of 9:00 a.m. and 8:30 p.m.

(8) Construction. The foregoing provisions of Section 15-8.5(a), (b) and subparagraph (6) of this section shall not apply to municipal public works, emergency matters or matters having an effect on the public health, safety and welfare of the city in those zoning districts of commercial and industrial, and where the noise disturbance across a residential property line would not exceed those sound limits set forth in section 15-8.8 of this Article.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 86-3, § 4, 3-4-86; Ord. No. 89-23, § 2, 9-19-89; Ord. No. 01-24, § 1, 6-5-01; Ord. No. 11-003, § 2, 2-15-11)

**Note**-See the editor's note following § 15-8.

### **Sec. 15-8.7. Same-Penalty for violation.**

Any person, firm or corporation convicted in a court of competent jurisdiction of a violation of sections 15-8 through 15-8.8 shall be guilty of a misdemeanor of the second degree, punishable by a fine and/or incarceration as provided by law. The City of Boynton Beach Code Compliance Board shall have the authority and jurisdiction to prosecute such offenses. Each day said violation continues shall be a separate offense.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 86-3, § 5, 3-4-86; Ord. No. 97-51, § 2, 11-18-97; Ord. No. 11-003, § 2, 2-15-11)

**Note**-See the editor's note following § 15-8.

### **Sec. 15-8.8. Same-Sound levels by receiving land use.**

(a) *Sound limits established.* No person shall operate or cause to be operated any source of sound as enumerated in section 15-8.5(b), and unless specifically exempted by section 15-8.6, in such a manner as to create an exterior or interior sound level of any origin which exceeds the limits set forth for the receiving land use category in question for more than ten (10) per cent of any measurement period which shall not be less than ten (10) minutes when measured at or within the boundaries of a property or within the confines of a building within the receiving land use and as a result of a source of sound being located on some other property.

(b) *L10 sound level limits.* Permissible sound levels for sounds transmitted to receiving land use areas shall not exceed the following limits for L10 sound levels as defined herein. For the purpose of these noise control provisions, such sound levels shall be determined using FAST meter responses:

Receiving Land Use Category	Time	L10 Sound Level Limit (dB)A
Exterior	7:00 a.m. to 11:00 p.m.	60
	Sunday through Thursday 7:00 a.m. to 12:00 a.m.	
	Friday & Saturday and Holidays 11:00 p.m. to 7:00 a.m.	55
	Sunday through Thursday 12:00 a.m. to 7:00 a.m.	
	Friday & Saturday and Holidays	
Exterior	At all times	65
Commercial		
Receiving Land Use Interior	7:00 a.m. to	L10 Sound Level Limit

Residential 11:00 p.m. 50

Sunday through

Thursday

7:00 a.m. to

12:00 a.m.

Friday &

Saturday and

Holidays

11:00 p.m. to

7:00 a.m. 45

Sunday through

Thursday

12:00 a.m. to

7:00 a.m.

Friday &

Saturday and

Holidays

Interior At all times 55

Commercial

(c) *Maximum sound level limits.* The maximum sound level from any applicable sound sources shall not exceed the L10 sound level limits by more than the values listed below:

10 (dB) A from 7:00 p.m. to 11:00 p.m.

5 (dB) A from 11:00 p.m. to 7:00 a.m.

(d) *Pure tone and impulse noise.* For any source of sound which emits a pure tone or an impulse noise, as defined herein, the sound level limits for L10 and maximum sound levels shall be reduced by five (5) (dB) A.

(Ord. No. 85-16, § 2, 3-19-85; Ord. No. 85-45, Attach. (b), 8-20-85; Ord. No. 86-3, § 6, 3-4-86; Ord. No. 86-14, § 1, 8-19-86; Ord. No. 11-003, § 2, 2-15-11)

**Note**-See the editor's note following § 15-8.