

Chapter 36 - NOISE^[1]

Footnotes:

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City Code cross references—Noisy dogs, § 6-39; bicycle bells or other warning devices, § 8-3; noise from ships, boats, etc., § 50-7.

County Code cross references—Railroad train whistle and horn noise pollution prohibited, § 21-27.3; excessive and unnecessary noises prohibited, § 21-28.

Law review references—Comments on sound amplifiers, 2 Fla. L. Rev. 103,257.

State Law reference— Motor vehicle noise, F.S. §§ 316.293, 403.415 et seq.

Sec. 36-1. - Unnecessary, excessive or unusual noises—Generally.

It shall be unlawful to make any loud, unnecessary, excessive or unusual noise in the city.

(Code 1967, § 36-1; Code 1980, § 36-1)

Sec. 36-2. - Same—Near hospitals and schools.

It shall be unlawful for any person, by himself or by the operation of any instrument, agency or vehicle, to make any unnecessary noises within 100 feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, or any school during school hours. The city manager shall place as many signs as he may deem proper within or near zones hereby created, calling attention to the prohibition against unnecessary noises within such zones.

(Code 1967, § 36-2; Code 1980, § 36-2)

Sec. 36-3. - Loud or boisterous noises generally.

No person shall create any loud or boisterous noise which may annoy persons on any street or sidewalk or in any building adjacent thereto.

(Code 1967, § 36-3; Code 1980, § 36-3)

Sec. 36-4. - Operation of radios, phonographs or other sound-making devices; bands, orchestras and musicians—Generally; exemption.

(a) It shall be unlawful for any person owning, occupying or having charge of any building or premises or any part thereof, in the city, at any time to cause or suffer or allow any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the music of any band, orchestra, musician or group of musicians, where the noise or music is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise or music is plainly audible at a distance of 100 feet from the vehicle or premises from which it originates constitutes *prima facie* evidence of a violation of this chapter.

(b) The city commission may declare an exemption from the prohibitions contained in paragraph (a) above and declare them inapplicable on special occasions by resolution.

(Code 1967, § 36-4; Ord. No. 10797, § 1, 10-18-90; Code 1980, § 36-4)

Sec. 36-5. - Same—Hours of operation of jukeboxes, radios, etc.; exemption for events on city-owned property; relaxation.

(a) It shall be unlawful for any person owning, occupying or having charge of any business establishment, or any part thereof, in the city, to cause or suffer to cause the playing or operating of music boxes, jukeboxes, radios, musical instruments or any other musical devices on or about the premises between the hours of

11:00 p.m. and 7:00 a.m. the following day, unless such music boxes, jukeboxes, radios, musical instruments and other devices are played or operated in a closed building and the sound is not audible from outside the building so as to disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence. Upon a second conviction of violation of this section the county judge may at his discretion revoke and terminate any license issued under chapter 31 to the licensee.

- (b) All of the above and foregoing shall not apply to activities and events held in or upon any city-owned facility or other city-owned property.
- (c) The city commission may relax the time restrictions contained in paragraph (a) above or declare them inapplicable on special occasions by resolution.

(Code 1967, § 36-5; Ord. No. 8660, § 1, 6-9-77; Ord. No. 10797, § 1, 10-18-90; Code 1980, § 36-5)

Sec. 36-6. - Construction equipment.

- (a) *Prohibition; definitions.* Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work such as pile drivers, steam shovels, pneumatic hammers, pumps, or other like equipment is prohibited:
 - (1) Between the hours of 6:00 p.m. and 8:00 a.m. the following day on weekdays, or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across and at a residential district boundary or within a noise sensitive zone, except for emergency work of public service utilities or by special permission issued pursuant to subsection (c).
 - (2) At any other time such that the sound level at or across a real property boundary exceeds a reading of 0.79 weighted average dBA for the daily period of operation. Such sound levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute.

(b) *Definitions.*

Holidays, as used herein, shall mean those days designated by the United State Congress as legal public holidays, except that whenever any such day shall fall upon a Sunday, the Monday next following shall be deemed a public holiday for purposes of this section.

Noise disturbance as used herein, shall mean any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

Noise sensitive zone, as used herein, shall mean existing quiet zones, if any, and those areas containing noise sensitive activities including, but not limited to, operations of schools, libraries open to the public, houses of worship, hospitals, and nursing homes.

Residential districts, as used herein, shall mean any residential district as set forth in the city's zoning ordinance, as amended, or as may be hereafter amended.

Weighted average dBA, as used herein, means the 24-hour energy average of the sound pressure level in decibels (dB), as measured on a sound level meter using the A-weighted network; any readings taken during the period 10:00 p.m. to 7:00 a.m. the following day are increased by ten dBA before averaging the other readings. The A-weighted network (dBA) is recommended by the U.S. Environmental Protection Agency as a means of describing environmental noise because it most closely mimics the human ear by weighting the frequency spectrum to give greater weight to the frequencies between 1,000 and 6,000 hertz (cycles per second).

- (c) *Exception.* The city manager is hereby authorized to permit the operation and use of any of the above construction machinery during the aforesaid prohibited periods of time in the event that such operation or use is required to eliminate or reduce any dangerous or hazardous condition which endangers life or property.

(d) *Violation; penalty.* Any person who shall violate any provision of this section shall, upon conviction thereof, be punished as provided in section 1-13. Each 24-hour day is to be considered a separate violation.

(Code 1967, § 36-13; Ord. No. 9063, § 1, 1-24-80; Ord. No. 10754, § 1, 6-28-90; Code 1980, § 36-13)

Sec. 36-7. - Emission of steam and other gases.

It shall be unlawful to permit or cause the emission of steam or other gases if such emission cannot be done without the production of disturbing noises.

(Code 1967, § 36-14; Ord. No. 10754, § 1, 6-28-90; Code 1980, § 36-14)

Sec. 36-8. - Mechanical and fire equipment.

It shall be unlawful to operate mechanical and fire equipment, including air conditioning compressors, pumps, blowers, exhaust fans, filters and other similar noise-producing equipment, in all residential, institutional, commercial and industrial zoned property, when such equipment emits noise which exceeds the following noise levels, measured at the receiving property line nearest to the source; such sound levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute:

	Maximum Permitted Sound Level in Decibels dBA	
Receiving Land Use	At Property Line or Beyond Between 10:00 p.m. and 7:00 a.m.	At Property Line or Beyond Between 7:00 a.m. and 10:00 p.m.
Single-family	5 dBA above ambient or maximum of 55 dBA	10 dBA above ambient or maximum of 60 dBA
Multifamily, institutional, parks and noise-sensitive zones	5 dBA above ambient or maximum of 60 dBA	10 dBA above ambient or maximum of 65 dBA
Retail commercial (offices, retail, restaurants and movies)	5 dBA above ambient or maximum of 65 dBA	10 dBA above ambient or maximum of 65 dBA
Wholesale commercial and industrial	5 dBA above ambient or maximum of 70 dBA	10 dBA above ambient or maximum of 75 dBA

(Code 1967, § 36-15; Ord. No. 10754, § 1, 6-28-90; Code 1980, § 36-15)