

## Pompano Beach, Florida Code of Ordinances

**CHAPTER 97: NOISE CONTROL**

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## Section

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***Cross-reference:***

*Railroad train whistle and horn noise pollution prohibited, see § 132.25*

**§ 97.10 DEFINITIONS.**

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

***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 dB(A) and DBA or dba.

***AMBIENT SOUND LEVEL.*** The all-encompassing sound associated with a given environment, being a composite of sounds from many sources. For the purpose of this chapter, ***AMBIENT SOUND LEVEL*** is that level which is exceeded 50% of the time during an observation period of not less than ten minutes, excluding impulsive sounds and the alleged offensive sound and sounds not normally associated with a given environment, such as construction noises, lawn mowers and railroad trains.

***DAY.*** Refers to the hours between 7:00 a.m. and 10:00 p.m.

***DECIBEL.*** A logarithmic (dimension- less) unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB or db.

***EMERGENCY.*** Any occurrence or set of circumstances involving actual or imminent physical injury or property damage which demands immediate action.

***EMERGENCY VEHICLE.*** Any motor vehicle as defined in F.S. § 843.16 as currently enacted or as amended from time to time.

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

***IMPULSIVE SOUND.*** Sound of short duration, usually less than one second, with an abrupt onset and rapid decrease. Examples of sources of impulsive sound include explosions and discharge of firearms.

***LEVEL, FIFTY PERCENTILE.*** The A-weighted sound pressure level that is exceeded 50% of the time

in any observation period. It is denoted as 150.

**LEVEL, TEN PERCENTILE.** The A-weighted sound pressure level that is exceeded 10% of the time in any observation period. It is denoted as 110.

**NIGHT.** Refers to the hours between 10:01 p.m. and 6:59 a.m.

**NOISE DISTURBANCE.** Sounds that are not measurable or may not exceed the sound standards but which, because of its volume level, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of a reasonable person of ordinary sensibilities.

**OBSERVATION PERIOD.** The time interval during which acoustical data and facts are obtained. Unless otherwise indicated, the observation period must be a minimum of ten minutes.

**SOUND.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces which cause compression and rarefaction of that medium. The description of sound may include any characteristic of that sound, including duration, intensity and frequency.

**SOUND LEVEL.** The A-weighted sound pressure level measured with fast response using a sound level meter.

**SOUND LEVEL METER.** An instrument used to measure sound pressure levels. The output meter reads sound pressure levels when properly calibrated (yearly) and the instrument is of a type 2 or better, as specified in the American National Standard Institute publication S1.4-1971, or its successor publications.

(Ord. 94-32, passed 4-5-94)

## § 97.20 SOUND LEVEL STANDARDS.

(A) No activity or use of property shall cause or permit any sound to exceed the sound limits set forth herein for more than 10% of the observation period unless specifically provided for elsewhere in this chapter.

(1) At no point at or within the boundary of a single family residential property or within a structure used for single family residential purposes, may the following sound pressure levels be exceeded:

Day: 55 dBA Night: 50 dBA

(2) At no point at or within the boundary of a multi-family residential property, public property or institutional property or within a structure used for multi-family residential purposes, public purposes and institutional purposes, may the following sound pressure level be exceeded:

Day: 60 dBA Night: 55 dBA

(3) At no point at or within the boundary of a retail or commercial property or within a structure used for retail purposes or commercial purposes, may the following sound pressure levels be exceeded:

Day: 65 dBA Night: 65 dBA

(4) At no point at or within the boundary of an industrial property or manufacturing property, or within a structure used for industrial purposes or manufacturing purposes, may the following sound pressure levels be exceeded:

Day: 65 dBA Night: 65 dBA

(5) In the absence of a specific sound level standard, any sound which exceeds the ambient sound level by five dBA or more shall be deemed a prima facie violation of this chapter.

(B) For any source of sound, except impulsive sounds, the maximum sound level, regardless of duration,

shall not exceed the sound level standards established in division (A) of this section by the following:

- (1) Ten dBA at or within the boundary of all residential, public or institutional properties during the day.
- (2) Five dBA at or within the boundary of all residential, public or institutional properties during the night.
- (3) Ten dBA at or within the boundary of all retail, commercial, manufacturing or industrial properties during both day and night.

(C) In residential areas any sound resulting from the operation of any air-conditioning or air-handling equipment shall not exceed the following sound level limits for 50% of the observation period.

- (1) Sixty dBA at or within the boundary of a residential property.
- (2) Fifty-five dBA within a structure used for residential purposes.

(D) Where the ambient sound level exceeds the sound level standards established in this section, any source which creates a sound level five dBA or more over the ambient for more than 10% of the observation period, shall be deemed a prima facie violation of this chapter.

(E) All sound level measurements required in order to determine a violation of this section shall be taken at or within the boundary of the property rented, leased or owned by the complainant or within a structure inhabited, rented, leased or owned by the complainant. A signed written complaint must be received by the city for the investigation of any alleged violation of this section, otherwise no such complaint shall be investigated.

(Ord. 94-32, passed 4-5-94) Penalty, see § 10.99

### **§ 97.30 MOTOR VEHICLES AND MOTOR BOATS SOUND STANDARDS.**

(A) The sound level for any motor vehicle operating within the city shall be regulated and controlled according to the provisions found in F.S. Ch. 316 as currently exists or as may be amended from time to time.

(B) The sound level for any motor boat operating within the city shall be regulated and controlled according to the provisions found in F.S. Ch. 327 as currently exists or as may be amended from time to time.

(C) The sound levels for any motor vehicle or motor boat not specifically covered in divisions (A) or (B) of this section shall be governed by the appropriate sections of this chapter.

(Ord. 94-32, passed 4-5-94)

### **§ 97.40 EXEMPTIONS.**

The following uses and activities shall be exempt from the provisions of this chapter:

- (A) Unamplified human voice.
- (B) Unamplified crowd noise resulting from the activities such as those planned by students, governmental agencies or community groups.
- (C) Safety signals, warning devices, emergency pressure relief valves during normal operations.
- (D) Authorized emergency vehicles when responding to an emergency call or acting in time of

emergency.

(E) Emergency work.

(F) Railroad trains (not including scale model railroad trains) during normal operations.

(G) Activities resulting from persons having obtained a permit to use the city streets.

(H) Activity on or in municipal and school facilities and in or on other publicly owned property and facilities, provided such activities have been authorized by the owner of such property or facility or its agents.

(I) Burglar or fire alarms during normal repair or maintenance and when legitimately activated.

(J) Routine maintenance of public service utilities.

(K) City approved and authorized public events.

(Ord. 94-32, passed 4-5-94)

### **§ 97.50 LIMITED EXEMPTIONS.**

The following activities are exempted from the provisions of this chapter provided they adhere to any and all applicable restrictions.

(A) Construction activity provided:

(1) It shall be unlawful for any person, firm or corporation to do, perform or engage in any construction work, building, excavation, dredging, building alteration or repair work of any nature, to any building or structure, or upon any site for a building or structure in the city between the hours of 11:00 p.m. and 8:00 a.m. of any weekday and from 11:00 p.m. on Saturday to 8:00 a.m. on Monday of each week. It shall be unlawful for any person, firm or corporation to conduct any pile driving activity whatsoever between the hours of 5:30 p.m. and 9:00 a.m. of any weekday and from 5:30 p.m. on Saturday to 9:00 a.m. on Monday of each week.

(2) 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 Manager for a special permit allowing it. The permits, if granted, shall be limited to a period of up to three days' duration, but may be renewed for additional periods of up to three days each if the emergency or need continues. In the issuance of these permits the City Manager shall weigh all facts and circumstances and shall determine whether the reasons given for the urgent necessity are valid and reasonable, whether the public health, safety and ultimate convenience shall 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 Manager or his designee is authorized to issue the permit requested and any extensions thereof, as may be required.

(B) Lawn maintenance equipment provided:

(1) It shall be unlawful to operate lawn mowers, edgers, trimmers, blowers and power-driven hedge shears in the city between the hours of 9:00 p.m. and 8:00 a.m.

(2) This section shall not apply to the operation of such equipment on golf courses.

(Ord. 94-32, passed 4-5-94; Am. Ord. 96-22, passed 11-28-95) Penalty, see § 10.99

### **§ 97.60 NOISE DISTURBANCE.**

(A) With the exception of those activities listed under §§ 97.40 and 97.50 as provided for in this chapter, the following acts are declared to be noise disturbances and in violation of this chapter, and no sound level measurement is needed to verify the existence of the following noise disturbances:

(1) The sounding of any horn or signaling device, except as a danger warning; the sounding of any signaling device for any unnecessary or unreasonable period of time; and the unreasonable use of any signaling device in such a manner as to disturb the peace, health and comfort of a reasonable person of ordinary sensibilities.

(2) The using, operating or permitting to be played, used or operated, of any radio, television, tape or record player, amplifier, musical instrument or other machine or device used for production, reproduction or emission of sound in a manner which either annoys, disturbs, injures or endangers the peace, health or comfort of a reasonable person of ordinary sensibilities, or at any time with greater sound intensity than necessary for convenient hearing for the person or persons who are in the room, vehicle or area in which such device is operated.

(3) The using, operating or permitting to be used or operated, of any loud speaker or public address system in such a manner which either annoys, disturbs, injures or endangers the peace, health or comfort of a reasonable person of ordinary sensibilities, or at any time with greater sound intensity than necessary for convenient hearing for the person or persons who are in the room, vehicle or area in which such device is operated.

(4) The repairing, rebuilding, modifying or testing of any motor vehicle, off-road vehicle, racing vehicle or motor boat in or near a residential area in such a manner which either annoys, disturbs, injures or endangers the peace, health or comfort of a reasonable person of ordinary sensibilities.

(B) Alleged noise disturbance violations shall be investigated on a “complaint only” basis and where the person or persons making the complaint signs a sworn affidavit stating the details of the complaint and how the sound in question violates the provisions of this section; otherwise, no such complaint shall be investigated.

(C) The provisions contained in this section shall not relieve the activity or use of property from adhering to all other applicable provisions of this chapter.

(Ord. 94-32, passed 4-5-94) Penalty, see § 10.99