

ARTICLE III. - NOISE<sup>[8]</sup>

Footnotes:

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**Cross reference**— Loud noise generated by construction activity near residentially zoned property, § 5-467; watercraft unnecessarily using horns, whistles, bells or blowing steam whistles, §§ 14-210, 14-211; hours of dredging operations, § 14-219; offensive conditions declared public nuisance, § 19-47.

Sec. 14-151. - Excessive noise prohibited.

(a) *Prohibition of excessive noise.* It shall be unlawful for any person(s), to permit, cause, allow, amplify, create, emit, or sustain unreasonably excessive noise on any property, including air space thereof, located in the City of Tampa. Unreasonably excessive noise shall be that noise which exceeds the noise limitations set forth in subsection (b).

(b) *Noise limitations.*

(1) Within the Central Business District, the Ybor City Historic District and the Channel District as each is delineated in chapter 27, City of Tampa Code, the maximum dBA and dBC sound levels permitted on any property shall be as follows:

The average measurement taken between ten (10) and twenty (20) seconds shall be no greater than the maximum levels set out below. The measurement shall be taken from the property line, or individual lease boundary in the case of property which has been subdivided by the execution of individual leases, of the noise generating property:

- a. Eighty-five (85) dBA or eight-seven (87) dBC between the hours of 6:00 p.m. and 3:00 a.m.
- b. Sixty-five (65) dBA or seventy-five (75) dBC between the hours of 3:00 a.m. and 6:00 p.m.

(2) In all areas of the City of Tampa other than those areas listed in subsection (b)(1) above:

a. The average measurement taken between (10) and twenty (20) seconds shall be no greater than the maximum levels set out below. The measurement shall be taken from a receiving property at the property line closest to the noise generating property.

1. Sixty (60) dBA or sixty-five (65) dBC between the hours of 7:00 a.m. and 10:00 p.m.
2. Fifty-five (55) dBA or sixty-five (65) dBC between the hours of 10:00 p.m. and 7:00 a.m.; or

b. In addition to subsection (b)(2) a., unreasonably excessive noise is also noise that is unreasonably loud and raucous. Noise which is plainly audible at a distance of one hundred (100) feet or more in any direction shall create a rebuttable presumption of a violation of this subsection. This includes, but is not limited to, amplified sound and self-contained, portable, hand-held music or sound amplification or reproduction equipment operated on a private property, public property, or public right-of-way.

*"Plainly audible"* shall mean any sound that can be clearly heard by a person using his normal hearing faculties, at a distance of one hundred (100) feet or more from the source of the noise.

To determine whether sound is "plainly audible," measurements shall be taken in accordance with the following:

1. The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any device, such as a microphone or hearing aid.
2. The officer must have a direct line of sight and hearing, to the location producing the sound so that the officer can readily identify the offending location and the distance involved.
- 3.

The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

- (3) Unless otherwise exempted under subsection (h), all persons or businesses who own or operate devices, equipment, or machinery which generate noise levels in excess of the maximum dBA or dBC levels listed in subsection (b)(1) or (b)(2)a. above, shall turn off such devices, equipment, or machinery by 10:00 p.m., or at the conclusion of operating hours for the business if such operating hours conclude prior to 10:00 p.m., unless such persons or business can demonstrate that such devices, equipment, or machinery must remain in operation beyond the operating hours of the business in order to avoid personal injury to persons or physical damage to property.
- (c) Other agencies with jurisdiction over noise in the City of Tampa shall have concurrent jurisdiction and any applicable rules and regulations established by such agencies shall remain in full force and effect. In the event of a conflict between this section and regulations of any other agency, the stricter regulation shall apply. The City of Tampa shall enforce this section in a cooperative effort with such agencies.
- (d) The noise limitation standards for industrial, manufacturing and processing operations are contained in section 27-282.7, City of Tampa Code.
- (e) The noise limitation standards for construction are contained in section 5-301.2, City of Tampa Code.
- (f) The noise limitation standards for material recovery facilities are contained in section 27-282.21, City of Tampa Code.
- (g) The noise limitation standards for motor vehicles are contained in section 14-152, City of Tampa Code.
- (h) *Exemptions.* The provisions of this section shall not apply to:
  - (1) The use of amplified sound on school or church grounds during school or church sponsored activities;
  - (2) Common carrier stations, including, but not limited to, bus stations, transit malls, train stations, ship wharves and docks and airports;
  - (3) The operation of buses, trains, ships, airplanes, helicopters and trucks in good repair;
  - (4) Activities in the fields, grounds or facilities of any sporting arena, stadium, or sports complex to which the public or community has access;
  - (5) Road festivals, parades, fireworks displays and special events for which an appropriate permit has been obtained from the City of Tampa in compliance with any conditions imposed by that permit and within the permitted area and any privately owned property located contiguous with any public right-of-way that is closed pursuant to a parade, road festival, or special event permit;
  - (6) Theme parks and amusement attractions as defined by Florida Statutes, water parks, zoos and aquariums and their related amenities and service areas;
  - (7) The reasonable playing of unamplified musical instruments;
  - (8) Noise which results from the reasonable use, recreational enjoyment or maintenance of residential property located in the City of Tampa including, but not limited to, noise made by children, lawn mowers, chippers, clippers, blowers, tools, power tools and tractors;
  - (9) Noise which results from the reasonable maintenance of commercial and governmental property including, but not limited to, lawn mowers, chippers, clippers, blowers, tools, power tools and tractors;
  - (10) Reasonable noise made at the direction of a governmental entity or utility;
  - (11) Church bells and chimes;
  - (12) Reasonable noise made at events associated with public or private schools or religious institutions, such as fairs, festivals, cultural events, carnivals, recreational activities, etc.;
  - (13) The reasonable use of the unamplified human voice;
  - (14) The emission of sound for the purpose of alerting the public of an emergency or the performance of emergency work;

- (15) Reasonable intermittent or occasional excessive noise that is infrequent;
  - (16) The reasonable and intermittent barking of dogs and sounds made by other animals as governed by sections 19-47 and 19-77, City of Tampa Code;
  - (17) The sounds made by children and adults on school and athletic grounds during school curricular and extra-curricular activities; and
  - (18) Festivals or events occurring on public parks which are permitted or approved by the parks and recreation department of the city.
- (i) *Prohibition against speakers in rights-of-way and air space.* It shall be unlawful for any person to place, locate or permit the placement of speakers or sound systems within public rights-of-way, including the air space above such public rights-of-way.
- (j) (1) *Enforcement.* Whenever a law enforcement officer observes a violation of subsection (b)(1) or b(2)a., the law enforcement officer shall initially issue a warning in writing to the individual(s) responsible for the occurrence of the noise violation. The warning shall state the dBA and/or dBC readings obtained by the officer during measurement, and the maximum dBA and dBC levels established by the subsection. The warning shall also state that the generated sound level on the property must be reduced within five (5) minutes. Thereafter, each remeasurement for noise generated from that business for the subsequent twelve (12) months which exceeds the maximum permissible sound levels established by subsection (b) (1) or b(2)a. shall constitute a separate violation pursuant to subsection (j)(2) for any person(s) who received a warning.
- For violations of subsections (b)(2)b., or (b)(3), a law enforcement officer shall issue a verbal warning to the property owner or individual(s) responsible for the violation. If the violation continues after the verbal warning, a civil citation may be issued pursuant to subsection (j)(2).
- (2) *Prosecution and penalties.* Any violation of subsection (b)(1) or (b)(2)a., by an individual who has received a written warning within the past twelve (12) months of the violation, shall be prosecuted and punished in accordance with section 1-6, City of Tampa Code. Subsections (b)(2) b., or (b)(3) shall be enforced in accordance with chapter 23.5, City of Tampa Code.
- (3) Within thirty (30) days following an arrest or the issuance of a notice to appear for violation of subsection (b)(1) or (b)(2)a., the city attorney's office shall provide a letter, along with a copy of the notice to appear or affidavit of arrest, to the address as listed in the most current ad valorem tax rolls, to the property owner (or to the registered agent if the property owner is a corporation) of the premises where the violation occurred. The letter shall be sent by either U.S. mail, certified return receipt requested, or by personal service. The letter shall inform the property owner of the violation which occurred on their property, and inform the property owner that, if the property where the violation occurred is permitted for the sale of alcoholic beverages, a conviction on this, or subsequent violations, could result in the setting of a public hearing before city council for the purpose of determining whether the alcoholic beverage special use permit should be suspended or revoked pursuant to section 27-318, City of Tampa Code.

(Ord. No. 89-238, § 2(24-101), 9-28-89; Ord. No. 90-88, § 1, 3-22-90; Ord. No. 2006-37, § 9, 2-9-06; Ord. No. 2013-93, § 1, 7-18-2013)

Sec. 14-152. - Excessive noise in motor vehicles is prohibited.

- (a) It is unlawful for any person who operates or occupies a motor vehicle in the City of Tampa to operate or amplify the sound produced by a radio or other mechanical or electrical sound making device or instrument from within the motor vehicle so that the sound is unreasonably excessive. Sound is "unreasonably excessive" when it is plainly audible at a distance of fifty (50) feet or more from the motor vehicle.
- (b) For purposes of this section, the following definitions apply:

*"Plainly audible"* means any sound produced by a radio or other mechanical or electrical sound making device or instrument from within the motor vehicle, including sound produced by a portable sound making device, that can be clearly heard outside the vehicle by a person using his or her normal hearing faculties, at a distance of fifty (50) feet or more from a motor vehicle.

*"Officer"* means any sworn law enforcement officer.

- (c) To determine whether sound is "plainly audible," measurements shall be taken in accordance with the following:
- (1) The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any device, such as a microphone or hearing aid.
  - (2) The officer must have a direct line of sight and hearing, to the motor vehicle producing the sound so that the officer can readily identify the offending motor vehicle and the distance involved.
  - (3) The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.
- (d) Violations. All violations of this section present a serious threat to health, safety, and welfare. All violations of this section are irreparable and irreversible in nature. Violations of this section shall be enforced pursuant to section 23.5-5(b) or as otherwise provided for in Tampa Code of Ordinances.

(Ord. No. 2013-80, § 1, 6-6-2013)

Secs. 14-153—14-175. - Reserved.