

ARTICLE III. - NOISE

FOOTNOTE(S):

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Editor's note— Ord. No. 727, § 1, adopted Dec. 22, 1998, repealed the former Art. III, §§ 30-61—30-64 and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from Code 1979, §§ 12-37—12-39 and § 12-41.

State Law reference— Motor vehicle noise, F.S. §§ 316.293, 403.415 et seq. [\(Back\)](#)

Sec. 30-61. - Definitions.

For the purpose of the article, whenever any of the following words, terms or definitions are used herein they shall have the meanings respectively ascribed to them in this section, except where the context requires otherwise:

Authorized emergency vehicle shall include the following:

- (a) All vehicles of the department of transportation of the state, designated as emergency vehicles by that department.
- (b) All police and fire vehicles of any municipality, or of any county or of the state.
- (c) Emergency vehicles of any of the several departments of the city.
- (d) Emergency vehicles of any public service corporation.
- (e) All ambulances and rescue vehicles.

Decibel shall mean a unit for measuring the intensity of a sound, the mathematical formula for which is expressed as the volume of sound which is equal to ten times the logarithm of the ratio of the intensity of the sound to the intensity of a specified standard sound; abbreviated "dB."

Excessive and unusually loud shall mean noise which exceeds the sound pressure levels which are proscribed below, the measurement of which is based upon decibels, i.e., 0.0002 microbar, and day conditions referring to the time between 7:00 a.m. and 10:00 p.m. and night conditions referring to the time between 10:00 p.m. and 7:00 a.m. In making all such measurement as well as the method employed shall be consistent with the regulations of the American National Standards Institute or its successor bodies:

- (a) Within a residential area zoned for RS-3, RS-5, RD-10, RM-16 and RM-25 the following sound pressure levels, as measured herein below, shall not be exceeded:
 - Day: 60 dBA.
 - Night: 55 dBA.
- (b) Within all other areas including, B-1, B-2, B-2A, B-3, B-3A and CF retail or commercial use the following sound pressure levels, as measured herein below, shall not be exceeded:
 - Day: 65 dBA.
 - Night: 60 dBA.

Sound pressure level shall mean, in decibels, 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure. The reference is 0.0002 microbar. The sound pressure level may be evaluated using FLAT, A, B, or C scales as defined by the American National Standards Institute, and shall be labeled dB, dBA, dBB or dBC respectively.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-62. - Creation of excessive noise unlawful.

It shall be unlawful for any person to cause, suffer, allow, or permit the operation of any source of sound upon any property located within the city which emits an excessive and unusually loud noise when the sound pressure level is measured at the property line or boundary nearest the source, except as provided herein below.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-63. - Animal noises.

It shall be unlawful to keep or maintain any dog, cat, bird or other animal which causes a noise disturbance by habitually howling, barking, meowing, squawking, or other noise making.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-64. - Construction activity and trash collection.

This section shall not apply to activity governed by section 54-5 of this Code.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-65. - Lawn maintenance devices.

It shall be unlawful to operate motorized lawn mowers, edgers, trimmers, shears, blowers and other motorized lawn maintenance devices between the hours of 8:00 p.m. and 8:00 a.m.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-66. - Air conditioners and generators.

- (a) *Air conditioners.* An air conditioner shall be deemed to emit an excessive and unusually loud noise when the sound pressure level measured at the property line or boundary nearest the unit exceeds 65 dBA, day or night.
- (b) *Generators.* Emergency power generators may be allowed, subject to the following restrictions:
 - (1) The property owner must obtain a building permit from the city for the installation of a permanent unit. The city shall review all such permit applications to ensure such installations minimize the visual and acoustic impact on adjacent properties.
 - (2) Special attention shall be paid to the placement of the generator, the use of sound attenuating materials and the reasonable containment of sounds and exhausts which will be created by the operation of any emergency use generator. A permanent generator must be placed in the side yard of a building with a minimum setback of five feet from the side property line. If an emergency power generator cannot meet the five-foot setback requirement, the generator must be placed against the side of the building lengthwise no more than one foot away from the building. A temporary generator shall be located on the property to minimize visual, noise, vibration and exhaust impacts on adjacent properties.
 - (3) The generators maintenance cycle run shall be permitted a maximum of once a week between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday only, and shall continue for no more than the manufacturer's recommended duration, but not to exceed 30 minutes per cycle.
 - (4) Permanent and temporary generators may only be operated for nonmaintenance purposes when a state of emergency is declared by the city or whenever there is a power outage. Generators may not be used as a substitute for electrical power.

Emergency power generators shall be deemed to emit an excessive and unusually loud noise when the sound pressure level measured at the property line or boundary nearest the unit exceeds 85 dBA, day or night.

(Ord. No. 727, § 1, 12-22-98; Ord. No. 2005-854, § 2, 8-9-2005)

Sec. 30-67. - Alarms.

A burglar or fire alarm of a building, car or boat may be operated so as to emit an excessive and unusually loud noise for no longer than 15 continuous minutes.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-68. - Church bells.

Church bells shall be exempt from this article.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-69. - Special permits excepted.

The operational performance standards established by this article shall not apply to any public performance being conducted in accordance with the provisions of a special permit granted by the city for the conduct of a public performance.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-70. - Authorized emergency vehicles.

Authorized emergency vehicles are exempt from the provisions of this article.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-71. - Relief permit.

Applications for a permit for relief from the noise levels designated herein may be made on the basis of hardship to the mayor or his designee. A permit granted hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time period during which the permit shall be in effect. Relief may be granted if:

- (a) Additional time is required for the applicant to modify his activity to comply with this article;
- (b) The activity or noise source is of a highly temporary nature and the activity cannot be performed in a manner that will comply with this article;
- (c) No reasonable alternative is available to the applicant.

The mayor or his designee may prescribe any condition he deems necessary to minimize any adverse effect upon the community.

(Ord. No. 727, § 1, 12-22-98)

Sec. 30-72. - Penalty.

Any person who violates any provision of this article shall be subject to enforcement as prescribed in chapter 2, article VII of this Code.

(Ord. No. 727, § 1, 12-22-98)

Secs. 30-73—30-90. - Reserved.