

ARTICLE IV. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

DIVISION 1. GENERALLY

Secs. ~~66-81~~-~~66-90~~. Reserved.

DIVISION 2. NOISE*

***Cross references:** Environment, ch. 42; health and sanitation, ch. 50.

Sec. ~~66-91~~. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient noise means the all-encompassing noise associated with a given environment, being usually a composite of sound from many sources near and far.

A-weighted level (dBA) means the total broadband sound level of the noise spectrum as measured using the A-weighted network of a sound level meter. The unit of measurement is the dBA.

Continuous noise means a noise which remains essentially constant in level during the period of observation.

Decibel, dB means a division of a logarithmic scale used to express the ratio of two like quantities proportional to power or energy. The ratio is expressed in decibels by multiplying its common logarithm by 10.

Impulsive noise means a noise which is characterized by brief excursions of sound pressure which significantly exceed the ambient noise level.

Intermittent noise means a noise whose sound pressure level exceeds the ambient noise level at either regular or irregular intervals.

Noise level means the sound pressure level as measured in dBA unless otherwise specified. A measurement of noise must be at least five dB above the ambient noise level.

Sound level meter means an instrument to measure the sound pressure level of relatively continuous and broadband noises. The sound level meter used to determine compliance with this article shall meet or exceed the requirements for a type 2 sound level meter in accordance with ANSI standard S1.4.

Sound pressure level means the squared ratio, expressed in decibels, of the sound pressure under consideration to the standard reference pressure of 0.0002 dyne/cm². The ratio is squared because pressure squared, and not pressure, is proportional to energy.

(Code 1970, § 16 3/4-28; Ord. No. 74-10, § 3, 4-23-74)

Cross references: Definitions generally, § 1-2.

Sec. ~~66-92~~. Findings.

For the purposes of this article, it is found and declared that:

(1) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the county is a condition which has existed for some time and the amount of intensity of such noises is increasing.

(2) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the county.

(3) The necessity in the public interest for this article is declared as a matter of legislative determination and public policy, and it is further declared that this article is in pursuance of and for the purpose of securing and promoting the public health, comfort, safety and repose of the county and its inhabitants.

(Code 1970, § 16 3/4-26; Ord. No. 74-10, § 1, 4-23-74)

Sec. 66-93. Unlawful acts.

It shall be unlawful, except as expressly permitted in this article, to make, cause or allow the making of any noise or sound within the boundaries of the county which exceed the limited set forth in this article.

(Code 1970, § 16 3/4-27; Ord. No. 74-10, § 2, 4-23-74)

Sec. 66-94. Areas embraced.

All territory within the legal boundaries of the county, including all incorporated and unincorporated areas, shall be embraced by this article, unless in conflict with or specifically deleted by a municipal ordinance. Noises originating in an area not embraced by this article which emanate into an area embraced shall constitute a violation of this article if the noises are in excess of the maximum noise level limits provided in this article when measured from within the area embraced.

(Code 1970, § 16 3/4-34; Ord. No. 74-10, § 9, 4-23-74)

State law references: Application of county ordinances to incorporated areas, Fla. Const. art. VIII, § 1(f).

Sec. 66-95. Exceptions.

Under this article, the following shall be permitted:

(1) The operation of warning or emergency signal devices such as sirens, horns and bells when utilized for their intended purposes.

(2) Noises resulting from equipment or operations incidental to the emergency repair of facilities or restoration of services such as public utilities or other emergency activities in the public interest.

(3) Ordinary noise created by the operation of railways, shipping lanes and aircraft.

(4) Noises consistent with cultural, historical or traditional observances, holidays and ceremonies, provided that a permit for each event has been obtained from the county administrator in accordance with subsection 66-97(6).

(Code 1970, § 16 3/4-30; Ord. No. 74-10, § 5, 4-23-74)

Sec. 66-96. Waivers.

(a) An application for a waiver for relief from the maximum allowable noise level limits designated in this article may be made in writing to the county administrator or his duly authorized representative. Any waiver granted by the county administrator under this section must be in writing and shall contain all conditions upon which the permit shall be effective. The county administrator or his duly authorized representative may grant the waiver as applied for under the following conditions:

(1) The county administrator may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the

surrounding neighborhood, including but not limited to the use of mufflers, screens or other sound attenuating devices.

(2) Waivers from maximum allowable noise level limits may only be granted for noises created within an industrial or commercial zone by operations which were in existence on the effective date of the ordinance from which this article derives.

(3) Waivers may be issued for no longer than 180 days, renewable by further application to the county administrator.

(b) Any party feeling aggrieved by the denial of the application for waiver by the county administrator may appeal such denial to the board of county commissioners, such appeal to be filed within 30 days from the date of denial.

(Code 1970, § 16 3/4-31; Ord. No. 74-10, § 6, 4-23-74)

Sec. 66-97. Specific noises prohibited.

The following specific noises are prohibited under this article:

(1) *Motor vehicle noise.* The use of straight pipes, altered mufflers or gutted mufflers on a motor vehicle is specifically prohibited under this section.

(2) *Construction noise.*

a. No power-driven construction equipment shall be operated without a muffler or other noise-reduction device at least as effective as that recommended by the manufacturer or provided as original equipment.

b. No construction activities shall be permitted between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday, and all day Sunday that produce noise exceeding 55 dBA, measured at the nearest property line of an adjacent residential area.

c. Construction equipment that must be operated near a residentially zoned area on a 24-hour-per-day basis (i.e., pumps, well tips, generators, etc.) shall be shielded by an acoustical barrier or enclosure during the hours of 6:00 p.m. to 7:00 a.m. daily, unless the unshielded noise level is less than 55 dBA, measured at the closest adjacent residentially zoned property line. The barrier or enclosure shall be so constructed and maintained as to reduce the noise level to 55 dBA or less, measured at the closest adjacent residentially zoned property line.

(3) *Industrial or commercial noises.*

a. No noise shall be created in an industrial or commercial zone which exceeds those levels given on table 1 as follows, as measured on the adjacent property line.

TABLE 1
*Maximum Noise Levels Permitted in
Industrial and Commercial Zones*

TABLE INSET:

District from which Noise Emanates	Adjoining Commercial District (No Time Limit)	Adjoining Residential District (7:00 a.m.--6:00 p.m., Monday through Saturday)
Industrial	72 dBA	66 dBA
Commercial	66 dBA	60 dBA

The maximum permitted noise level emanating from a commercially or industrially zoned district, measured at the closest adjacent residentially zoned property line for the hours

between 6:00 p.m. and 7:00 a.m. Monday through Saturday and during all hours of Sunday shall be 55 dBA.

b. An exception to the noise levels listed in table 1 shall be permitted by waivers granted by the county administrator under circumstances in which the activity creating the noise is of such importance to the public welfare, health or safety that the activity cannot be shut down, even though its noise levels exceed those given in table 1, or in instances where an industry or commercial business had in prior years established its place of business in an area away from a residential district and subsequently, through the encroachment of residential development or rezoning, finds itself adjoining a residential district. In instances of this latter nature the noise restrictions pertaining to industrial-commercial boundaries shall govern, and the business shall not be required to meet those noise levels pertaining to residential boundaries.

c. For impulsive noises, the noise levels listed in table 1 shall be increased by ten dBA, as measured on a sound level meter, during the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, but shall not exceed the levels of table 1 during the period from 6:00 p.m. to 7:00 a.m. Monday through Saturday and all day Sunday.

(4) Noises created within residential zones.

a. Except for those noises otherwise specifically provided for within this section, it shall be unlawful to create or to permit to be created any noise within a residential district that exceeds 55 dBA, measured at the nearest adjacent property line during the hours of 10:00 p.m. to 7:00 a.m. daily.

b. It shall be unlawful to operate any air conditioning, heating or ventilating unit at any time that produces a noise exceeding 60 dBA measured at the nearest adjacent property line.

c. For multifamily dwelling units, it shall be unlawful to create or to permit to be created any noise that exceeds 40 dBA measured within a neighbor's dwelling during the hours of 10:00 p.m. to 7:00 a.m. daily.

(5) Noises emanating from boats or barges on water adjoining residential districts.

a. No craft operating on water areas adjoining residential areas shall produce noise that exceeds 55 dBA measured at the nearest adjacent residential property line during the hours of 10:00 p.m. to 7:00 a.m. daily.

b. For construction barges or dredges, a permit from the county administrator must be obtained in order to operate during the hours of 10:00 p.m. to 7:00 a.m. This permit will only be granted when the barge or dredge operator has satisfied the administrator that he has done all that is reasonably possible to minimize the noise impact on the adjacent residential community.

(6) Noises within outdoor public recreation areas and parks.

a. It shall be unlawful to operate any mechanical or electrical device within an outdoor public recreation area or park that produces a noise exceeding 60 dBA measured at a distance of at least ten feet from the source, except for planned community events, including but not limited to concerts, speeches, sporting events, fireworks displays, etc. When a planned community event will create noise in excess of the limit of 60 dBA, a permit must be obtained from the county administrator prior to the event.

b. Motor vehicles such as trail bikes and all-terrain vehicles (ATVs) which are operated off the highways and road rights-of-way shall not exceed those maximum noise level limits specified by law for motorcycles between the hours of 7:00 a.m. and 10:00 p.m. daily. If such vehicles are operated between the hours of 10:00 p.m. and 7:00 a.m., the maximum permissible noise level shall be reduced to 60 dBA measured at least ten feet from the vehicle.

(7) Noises created by radios, television sets, exterior loudspeakers, and similar devices.

a. In the case of any radio receiving set, musical instrument, television, phonograph, drum, exterior loudspeaker, or other device for the production or reproduction of sound, it shall be unlawful to create or permit to be created any noise that exceeds 66 dBA during the hours of 7:00 a.m. to 6:00 p.m., 60 dBA during the hours of 6:00 p.m. to 10:00 p.m., and 55 dBA during the hours of 10:00 p.m. to 7:00 a.m., measured from the property line of the noise source.

b. It shall also be unlawful to operate or permit the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, exterior loudspeaker, or other device for the production or reproduction of sound in such a manner as to cause noise disturbance so as to disturb the peace, quiet, and comfort of the neighborhood and vicinity thereof.

c. Violations of subsection (7) shall be prosecuted as a misdemeanor in the second degree, pursuant to F.S. § 125.69(1) and section 1-6(c) of the County Code. (Code 1970, § 16 3/4-29(a)(2)--(f); Ord. No. 74-10, § 4, 4-23-74; Ord. No. 97-10, § 1, 7-29-97)

Secs. 66-98--66-150. Reserved.