



**TO:** Honorable Mayor & Members of the Fort Lauderdale City Commission

**FROM:** Susan Grant, Acting City Manager

**DATE:** November 7, 2024

**TITLE:** First Reading – An Ordinance Amending Chapter 17 – Noise Control of the Code of Ordinances of the City of Fort Lauderdale (**Districts 1, 2, 3, and 4**)

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**Recommendation**

Staff recommends the City Commission consider amending Chapter 17 – Noise Control of the Code of Ordinances of the City of Fort Lauderdale.

**Background**

On September 9, 2021, the City Commission adopted Resolution 21-177 creating the Noise Control Advisory Committee (NCAC). The NCAC was formed to review the impact of noise on residences in the city and to make recommendations to the City Commission on the implementation of strategies to minimize the imposition of noise that provide a balanced approach to the administration and enforcement of the City’s Noise Control Program in a manner that allows businesses to thrive while assuring a reasonable noise comfort level for residents.

In January 2022, the city hired Siebein Associates, Inc. to work closely with the NCAC and Staff to complete a soundscape study. At the October 17, 2023, City Commission conference meeting, Siebein Associates, Inc. presented the results of the soundscape study and a prioritized list of actions items to the Commission. At the conclusion of the presentation, the Commission directed a 60-day follow-up to provide Staff with direction for drafting a revision to Chapter 17 – Noise Control of the Code of Ordinances of the City of Fort Lauderdale. Staff provided a follow-up presentation at the December 19, 2023, City Commission Conference Meeting, and the City Commission directed staff to conduct a 90-day pilot study. The results of the 90-day pilot study are attached as Exhibit 1.

Since that time, staff has conducted the following public outreach to review the consultant’s report and gather recommendations:

- February 13, 2024, District 4 Noise Ordinance Community Townhall
- March 28, 2024, Central Beach Alliance Homeowner’s Association meeting
- April 9, 2024, Council of Fort Lauderdale Civic Associations (CFLCA) meeting

June 11, 2024, CFLCA meeting

The proposed ordinance (Exhibit 3) includes the following changes:

- The inclusion of dBC limits in Table 1 to account for low frequency sounds such as bass. Seibein Associates specified adding 10 decibels for the dBC weighting because “There is a 10 to12 dB difference between the dBA and dBC levels for most “typical sounds” in an urban environment. *Most sounds do not have the same dBA and dBC levels.*”
- The specification that proactive noise measurements are taken five (5) feet from the building, structure, or establishment, and that the maximum permissible sound level limit for the source of the sound shall apply.
  - ~~Note: The Noise Control Advisory Committee disagrees with the inclusion of this language~~
  - Note: At the May 28, 2024, NCAC Meeting, the NCAC opposed Community Enhancement taking proactive measurements at establishments with known complaints in a vote of 2-3
- An amendment to allow complaint-initiated measurements in Special Entertainment Districts to be taken at the property line of the complainant.
  - Note: This recommendation was made by the community. The amendment does not change the sounds limits in the Special Entertainment District. The amendment only changes the location of measurements for complaint-initiated investigations
- The inclusion of the following language for non-amplified sound emanating from residential properties:
  - Residential use: Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
  - Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Exhibits**

Exhibit 1 – 90 Day Noise Pilot Data Summary

Exhibit 2 – 90 Day Noise Study Readings

Exhibit 3 – Ordinance



## 90 Day Noise Pilot Data Summary

Between January 2024 and March 2024, the Community Enhancement and Compliance Division (Division) conducted a 90-day citywide pilot study for noise. The goal of the pilot was to gather data that could be used in modifying the existing maximum permissible sound limits in Chapter 17 – Noise Control of the Ordinances of the City of Fort Lauderdale. The Division proactively visited 40 commercial properties with a history of noise complaints. The methodology and findings of the pilot study are below.

### **Total number of noise readings: 155**

Complaint-driven: 14

Proactive: 141

**Proposed Limits:** In addition to taking readings at the current maximum permissible sound limits, the Division also took additional readings for dBC. The dBC limit applied was 10 decibels higher than the current dBA limits.

### **Procedures for Commercial Noise Measurements:**

Complaint-driven measurements were taken at the complainant's property line with a sound meter. Only dBA limits were applied to complaint-driven measurements.

The current ordinance does not have an established maximum permissible sound limit for proactive measurements. For this reason, Community Enhancement took measurements five (5) feet from the building, structure, or establishment from which the sound is emanating. Since the measurements were taken closer to the building, code officers applied an additional 10 decibels to the maximum permissible sound limit in Table 1 (65 dBA). This means that a commercial establishment would have to exceed 75 dBA or 85 dBC to be in violation of the noise ordinance if the proposed changes are adopted.

### **Findings:**

1. Two (2) of the 14 complaint-driven readings resulted in a violation of the current maximum permissible sound limits.
2. Seventy-one (71) of the 141 proactive readings exceeded 75 dBA or 85 dBC and would have resulted in a violation of the proposed maximum permissible sound limits.



**Conclusion**

- The current maximum permissible sound limits in Chapter 17 are appropriate for the current mix of businesses and activities operating in the City.
- Decreasing decibel levels would likely lead to a significant number of venues facing continuous noise violations.
- Maximum permissible dBC limits should be added to Table 1 to account for low frequency sounds such as bass.
- A methodology for taking proactive measurements should be added to Chapter 17.

TABLE I  
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS dBA

**(proposed dBC level amendments are bolded)**

USE	TIMES	OUTDOOR	INDOOR
Residential	7:00 a.m. to 10:00 p.m.	60 dBA* <b>70 dBC*</b>	45 dBA <b>55 dBC</b>
	10:00 p.m. to 7:00 a.m.	50 dBA <b>60 dBC</b>	35 dBA <b>45 dBC</b>
Commercial	24 hours	65 dBA <b>75 dBC</b>	55 dBA <b>65 dBC</b>
Industrial	24 hours	75 dBA <b>85 dBC</b>	65 dBA <b>75 dBC</b>

\*If the residential use is within a commercial, industrial, or mixed use, or within two hundred (200) feet of such use, the outdoor sound level limit is sixty-five (65) dBA **or seventy-five (75) dBC** between 7:00 a.m. to 10:00 p.m.

**90 DAY NOISE STUDY READINGS**

Date Visited	Time of Reading	Business Name	Property Address	Commission District	Special Entertainment District	Proactive or Complaint	dBA Reading	Violation	dBC Reading	Violation
1/26/2024	1:25 PM	TRUTH LOUNGE	2674 E OAKLAND PK BLVD	1	NO	PROACTIVE	48	NO	50	NO
2/2/2024	1:35 AM	TRUTH LOUNGE	2674 E OAKLAND PK BLVD	1	NO	PROACTIVE	50	NO	53	NO
2/10/2024	1:25 AM	TRUTH LOUNGE	2674 E OAKLAND PK BLVD	1	NO	PROACTIVE	50	NO	55	NO
2/16/2024	12:30 AM	TRUTH LOUNGE	2674 E OAKLAND PK BLVD	1	NO	PROACTIVE	48	NO	53	NO
2/24/2024	1:20 AM	TRUTH LOUNGE	2674 E OAKLAND PK BLVD	1	NO	PROACTIVE	48	NO	55	NO
3/3/2024	1:33 AM	TRUTH LOUNGE	2674 E OAKLAND PK BLVD	1	NO	PROACTIVE	53	NO	59	NO
1/20/2024	9:55 PM	27 BAR & LOUNGE	835 NE 3 AVE	2	NO	PROACTIVE	71	NO	89	YES
1/28/2024	1:52 AM	27 BAR & LOUNGE	835 NE 3 AVE	2	NO	PROACTIVE	82	YES	102	YES
2/2/2024	11:06 PM	27 BAR & LOUNGE	835 NE 3 AVE	2	NO	PROACTIVE	77	YES	100	YES
2/24/2024	7:35 PM	BO'S BEACH	600 SEABREEZE BLVD	2	NO	COMPLAINT	68	NO	69	NO
3/2/2024	9:10 PM	BO'S BEACH	600 SEABREEZE BLVD	2	NO	COMPLAINT	74	NO	81	NO
1/20/2024	9:25 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	63	NO	61	NO
1/26/2024	10:50 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	44	NO	48	NO
2/2/2024	10:40 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	65	NO	71	NO
2/10/2024	12:33 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	55	NO	57	NO
2/17/2024	10:24 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	85	YES	78	NO
2/23/2024	9:41 AM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	65	NO	64	NO
3/2/2024	11:40 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	45	NO	44	NO
3/7/2024	9:12 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	79	YES	86	YES
3/30/2024	10:50 PM	CAFE DEL MAR	101 S FTL BCH BLVD	2	NO	PROACTIVE	53	NO	60	NO
1/20/2024	9:18 PM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	80	YES	84	NO
1/26/2024	10:44 PM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	72	NO	72	NO
2/2/2024	10:15 PM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	78	YES	82	NO
2/10/2024	12:25 AM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	71	NO	75	NO
2/17/2024	10:23 PM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	81	YES	83	NO
2/23/2024	9:33 AM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	81	YES	83	NO
3/2/2024	11:30 PM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	70	NO	75	NO
3/7/2024	9:11 PM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	74	NO	79	NO
3/30/2024	10:47 PM	CAFE IBIZA	213 S FTL BCH BLVD	2	NO	PROACTIVE	75	NO	80	NO
2/24/2024	10:59 PM	COYO TACO	401 E LAS OLAS BLVD	2	NO	COMPLAINT	75	NO	78	NO
3/2/2024	8:10 PM	COYO TACO	401 E LAS OLAS BLVD	2	NO	PROACTIVE	61	NO	63	NO
3/23/2024	9:02 PM	COYO TACO	401 E LAS OLAS BLVD	2	NO	PROACTIVE	66	NO	74	NO
1/20/2024	11:49 PM	DICEY RILEY'S	217 SW 2 ST	2	NO	PROACTIVE	89	YES	99	YES
1/20/2024	9:20 PM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	70	NO	74	NO
1/26/2024	10:50 PM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	65	NO	60	NO
2/2/2024	10:35 PM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	72	NO	80	NO
2/10/2024	12:30 AM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	75	NO	80	NO
2/17/2024	10:22 PM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	84	YES	93	YES
2/23/2024	9:36 AM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	72	NO	75	NO
3/2/2024	11:33 PM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	62	NO	68	NO
3/7/2024	9:12 PM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	78	YES	84	NO
3/30/2024	10:48 PM	DRUNKEN TACO	201 S FTL BCH BLVD	2	NO	PROACTIVE	70	NO	75	NO
1/20/2024	9:05 PM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	84	YES	86	YES
1/26/2024	10:30 PM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	80	YES	82	NO
2/2/2024	9:50 PM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	87	YES	98	YES
2/10/2024	12:05 AM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	80	YES	82	NO
2/17/2024	10:18 PM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	78	YES	86	YES

**90 DAY NOISE STUDY READINGS**

Date Visited	Time of Reading	Business Name	Property Address	Commission District	Special Entertainment District	Proactive or Complaint	dBA Reading	Violation	dBC Reading	Violation
2/23/2024	9:22 AM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	78	YES	86	YES
3/2/2024	11:20 PM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	81	YES	90	YES
3/7/2024	9:15 PM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	83	YES	94	YES
3/30/2024	10:33 PM	ELBO ROOM	241 S FTL BCH BLVD	2	NO	PROACTIVE	80	YES	90	YES
3/23/2024	9:14 PM	IT! ITALY	500 E LAS OLAS BLVD	2	NO	PROACTIVE	77	YES	81	NO
1/20/2024	11:52 PM	KEMISTRY	301 SW 2 ST	2	NO	PROACTIVE	85	YES	91	YES
2/15/2024	10:50 PM	KEMISTRY	301 SW 2 ST	2	NO	PROACTIVE	80	YES	86	YES
3/1/2024	12:19 AM	KEMISTRY	301 SW 2 ST	2	NO	COMPLAINT	78	YES	89	YES
3/10/2024	11:07 PM	KEMISTRY	301 SW 2 ST	2	NO	COMPLAINT	87	YES	100	YES
3/10/2024	11:07 PM	KEMISTRY	301 SW 2 ST	2	NO	COMPLAINT	87	YES	100	YES
2/2/2024	11:39 PM	RHYTHM & VINE	401 NE 5 TER	2	NO	PROACTIVE	78	YES	85	NO
2/25/2024	9:44 PM	RHYTHM & VINE	401 NE 5 TER	2	NO	PROACTIVE	78	YES	78	NO
3/3/2024	12:31 PM	RHYTHM & VINE	401 NE 5 TER	2	NO	PROACTIVE	74	NO	92	YES
3/21/2024	10:54 PM	RHYTHM & VINE	401 NE 5 TER	2	NO	PROACTIVE	74	NO	94	YES
3/30/2024	11:17 PM	RHYTHM & VINE	401 NE 5 TER	2	NO	PROACTIVE	78	YES	85	NO
2/23/2024	9:30 AM	ROCK BAR	219 S FTL BCH BLVD	2	NO	PROACTIVE	85	YES	88	YES
3/23/2024	9:10 PM	SALT 7	500 E LAS OLAS BLVD	2	NO	PROACTIVE	71	NO	76	NO
1/20/2024	9:10 PM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	88	YES	90	YES
1/26/2024	10:40 PM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	84	YES	90	YES
2/2/2024	10:06 PM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	81	YES	97	YES
2/10/2024	12:20 AM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	77	YES	84	NO
2/17/2024	12:20 AM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	84	YES	95	YES
2/23/2024	9:26 AM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	85	YES	88	YES
3/2/2024	11:28 PM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	80	YES	88	YES
3/7/2024	9:14 PM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	85	YES	99	YES
3/30/2024	10:37 PM	SENIOR FROGS	225 S FTL BCH BLVD	2	NO	PROACTIVE	88	YES	98	YES
1/20/2024	9:07 PM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	84	YES	85	NO
1/26/2024	10:33 PM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	78	YES	78	NO
2/2/2024	10:00 PM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	81	YES	86	YES
2/10/2024	12:10 AM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	75	NO	78	NO
2/17/2024	10:19 PM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	83	YES	87	YES
2/23/2024	9:24 AM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	75	NO	85	NO
3/2/2024	11:25 PM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	73	NO	80	NO
3/7/2024	9:14 PM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	86	YES	94	YES
3/30/2024	10:35 PM	SPAZIO	239 S FTL BCH BLVD	2	NO	PROACTIVE	82	YES	88	YES
3/31/2024	12:36 AM	THE EASTON	721 N FEDERAL HWY	2	NO	COMPLAINT	50	NO	55	NO
1/20/2024	10:00 PM	THE HUB	826 NE 4 AVE	2	NO	PROACTIVE	64	NO	76	NO
1/28/2024	1:45 PM	THE HUB	826 NE 4 AVE	2	NO	PROACTIVE	77	YES	88	YES
2/2/2024	10:56 PM	THE HUB	826 NE 4 AVE	2	NO	PROACTIVE	73	NO	83	NO
3/3/2024	12:25 AM	THE HUB	826 NE 4 AVE	2	NO	PROACTIVE	77	YES	86	YES
3/21/2024	10:33 PM	THE HUB	828 NE 4 AVE	2	NO	PROACTIVE	63	NO	83	NO
3/24/2024	1:12 AM	THE HUB	828 NE 4 AVE	2	NO	COMPLAINT	77	YES	89	YES
3/30/2024	10:55 PM	THE HUB	828 NE 4 AVE	2	NO	PROACTIVE	75	NO	87	YES
2/16/2024	11:37 PM	THE WILDER	701 E BROWARD BLVD	2	NO	PROACTIVE	76	YES	82	NO
3/3/2024	12:37 AM	THE WILDER	701 E BROWARD BLVD	2	NO	PROACTIVE	84	YES	97	YES
3/21/2024	11:15 PM	THE WILDER	701 E BROWARD BLVD	2	NO	PROACTIVE	72	NO	82	NO
3/30/2024	11:06 PM	THE WILDER	701 E BROWARD BLVD	2	NO	PROACTIVE	78	YES	91	YES

**90 DAY NOISE STUDY READINGS**

Date Visited	Time of Reading	Business Name	Property Address	Commission District	Special Entertainment District	Proactive or Complaint	dBA Reading	Violation	dBC Reading	Violation
2/29/2024	7:36 PM	SMITTY'S	1134 NW 6 ST	3	NO	PROACTIVE	72	NO	81	NO
3/7/2024	6:57 PM	SMITTY'S	1134 NW 6 ST	3	NO	PROACTIVE	75	NO	82	NO
3/28/2024	8:03 PM	SMITTY'S	1134 NW 6 ST	3	NO	PROACTIVE	78	YES	88	YES
3/1/2024	11:19 PM	AMERICAN LEGION	1620 W STATE ROAD 84	4	NO	COMPLAINT	75	NO	85	NO
3/10/2024	8:22 PM	AMERICAN SOCIAL	721 E LAS OLAS BLVD	4	NO	PROACTIVE	81	YES	93	YES
3/10/2024	8:25 PM	TOMMY BAHAMA	740 E LAS OLAS BLVD	4	NO	PROACTIVE	74	NO	85	NO
3/23/2024	9:21 PM	TOMMY BAHAMA	740 E LAS OLAS BLVD	4	NO	PROACTIVE	74	NO	81	NO
2/16/2024	11:54 PM	VOODOO BAYOU	715 E LAS OLAS BLVD	4	NO	COMPLAINT	82	YES	87	YES
3/10/2024	8:27 PM	VOODOO BAYOU	715 E LAS OLAS BLVD	4	NO	PROACTIVE	76	YES	88	YES
2/29/2024	11:00 PM	YOLO	333 E LAS OLAS BLVD	4	NO	PROACTIVE	74	NO	80	NO
3/10/2024	8:43 PM	YOLO	333 E LAS OLAS BLVD	4	NO	PROACTIVE	68	NO	78	NO
3/23/2024	9:05 PM	YOLO	333 E LAS OLAS BLVD	4	NO	PROACTIVE	72	NO	83	NO

**Sec. 17-6. Maximum permissible dBA sound levels.**

Notwithstanding any other provision in this chapter, it shall be unlawful, except as expressly permitted herein, to cause, allow, or permit the making of any sound which exceeds the limits set forth in this section.

**TABLE I  
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS dBA and dBC**

<b>USE</b>	<b>TIMES</b>	<b>OUTDOOR</b>	<b>INDOOR</b>
Residential	7:00 a.m. to 10:00 p.m.	60 dBA * <u>70 dBC*</u>	45 dBA <u>55 dBC</u>
	10:00 p.m. to 7:00 a.m.	50 dBA <u>60 dBC</u>	35 dBA <u>45 dBC</u>
Commercial	24 hours	65 dBA <u>75 dBC</u>	55 dBA <u>65 dBC</u>
Industrial	24 hours	75 dBA <u>85 dBC</u>	65 dBA <u>75 dBC</u>

\*If the residential use is within a commercial, industrial, or mixed use, or within two hundred (200) feet of such use, the outdoor sound level limit is sixty-five (65) dBA or seventy-five (75) dBC between 7:00 a.m. to 10:00 p.m.

*Sound level measurements shall be taken as follows:*

- a. The sound level limit for the complainant's use shall apply, except when there is no complainant. When there is no complainant, the sound source's use shall apply.
- b. Outdoor sound level measurements shall be taken on or within the real property line of the complainant.
- c. Indoor sound level measurements shall apply when the sound source is on or within the same parcel of land as the complainant or when the real property line between the sound source and the complainant is a common wall, floor, or ceiling. Indoor sound level measurements shall be taken within the premises of the complainant.
- d. Three (3) measurements of the normal, usual operation of the sound source under investigation shall be taken. The metric that shall be applied is LMAX. Each of the three (3) measurements shall be no less than thirty (30) seconds in duration, and all three (3) measurements shall be taken within any one-hour period. If the sound source under investigation is of a total duration of less than ninety (90) seconds, one thirty-second measurement shall be sufficient.
- e. When there is no complainant, the measurement shall be taken at a distance of five (5) feet from the building, structure, or establishment from which the sound is emanating.

1. *Impulsive sound:*
  - a. Between the hours of 7:00 a.m. and 10:00 p.m. daily, impulsive sounds which occur ten (10) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.
  - b. Between the hours of 10:00 p.m. and 7:00 a.m. daily, impulsive sounds which occur four (4) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.
2. *Steady pure tones:* If the sound source under investigation is a mechanical device, excluding HVAC equipment on residential property, and is emitting a sound with a steady tonal quality which does not fluctuate more than plus or minus three (3) dBA, the permissible sound level limits in Table I shall be reduced by five (5) dBA.

( Ord. No. C-08-37, § 2, 7-15-08 )

#### **Sec. 17-7. Specific restrictions.**

1. *Amplified sound.* No person shall cause, allow, or permit the operation of any amplified sound device from the following use districts or locations in the following manner:
  - a. *Residential use:*
    - i. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
    - ii. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.
  - b. *Rights-of-way.* Sound shall not be plainly audible at a distance of twenty-five (25) feet or more from a motor vehicle or any other sound source.
  - c. *Special entertainment overlay district.* When measured at a distance of five (5) feet from the building, structure or establishment from which the sound is emanating or when taken from the complainant's property line (when there is a complainant):
    - i. *Sound shall not exceed:*

1. Eighty-five (85) dBA or ninety-five (95) dBC Monday through Thursday from 12:00 p.m. to 12:00 a.m. the following day:
  2. Seventy (70) dBA or eighty (80) dBC Monday through Thursday from 12:00 a.m. to 2:00 a.m.
  3. Sixty-five (65) dBA or seventy-five (75) dBC Monday through Thursday from 2:00 a.m. to 12:00 p.m.
- ii. *Sound shall not exceed:*
1. Eighty-five (85) dBA or ninety-five (95) dBC Friday through Sunday and legal holidays (as provided by state law), from 12:00 p.m. to 1:00 a.m. the following day:
  2. Seventy (70) dBA or eighty (80) dBC Friday through Sunday and legal holidays (as defined by state law), from 1:00 a.m. to 3:00 a.m.
  3. Sixty-five (65) dBA or seventy-five (75) dBC Friday through Sunday and legal holidays (as defined by State law), from 3:00 a.m. to 12:00 p.m.
- d. *Commercial, mixed-use, or industrial uses.* No person shall cause, allow, or permit the operation of any amplified sound device in such a manner that it exceeds the following sound level limits:
- i. From 12:00 p.m. to 10:00 p.m. daily: sound levels shall not exceed sixty (60) dBC when measured within the premises of a complainant.
  - ii. From 10:00 p.m. daily to 12:00 p.m. the following day: sound levels shall not exceed fifty-five (55) dBC when measured within the premises of a complainant.
  - iii. Sound level limits in Table 1 shall apply when sound level measurements are taken outdoors at or within the property line of the complainant.
2. *Animals.* Unless unreasonably provoked, it shall be unlawful for any person to own, keep, possess or maintain any domesticated animal which vocalizes (howls, yelps, barks, squawks, or other noise) and the vocalizing is plainly audible at or within the property line of the complainant; and:
- a. The vocalizing is for more than five (5) minutes without interruptions, defined as an average of four (4) vocalizations per minute; or
  - b. The vocalizing is two (2) times or more per minute for twenty (20) consecutive minutes.
3. *Commercial sanitation operations.* No person shall cause, allow, or permit the loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or recyclable containers, between the hours of 10:00 p.m. and 7:00 a.m. daily when such operations are conducted on a property located within two hundred fifty (250) feet of a residential use.

4. *Construction:*
  - a. No person shall operate or cause to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
  - b. It shall be unlawful for any person to operate or cause to be operated equipment for the aforementioned uses Monday through Saturday before 8:00 a.m. or after 7:00 p.m. and Sunday before 10:00 a.m. or after 7:00 p.m., except for public works transportation projects that are approved pursuant to section 17-9.
5. *Emergency generators:*
  - a. Testing of generators shall be conducted for the minimum duration and at the minimum frequency recommended by the manufacturer, but in no case shall said testing exceed one (1) hour in any one (1) day.
  - b. Testing shall only be conducted between the hours of 10:00 a.m. and 7:00 p.m. daily.
  - c. The sound emissions from generators shall not exceed sixty-eight (68) dBA when measured at a distance of twenty-three (23) feet from the generator.
  - d. When the generator is located on the same parcel as the complainant, the indoor sound level limits in Table 1 shall apply.
6. *Heating, ventilation, and air conditioning (HVAC) equipment on residential property.* No person shall operate or cause to be operated any HVAC equipment on residential property which exceeds forty (40) dBA between the hours of 10:00 p.m. and 7:00 a.m. daily when measured within the premises of a complainant.
7. *Landscaping and yard maintenance power tools or motorized equipment.* No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment Monday through Friday before 7:00 a.m. or after 7:00 p.m. in nonresidential areas, Monday through Friday before 8:00 a.m. or after 7:00 p.m. in residential areas, and Saturday and Sunday before 8:00 a.m. or after 6:00 p.m. in any portion of the city. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
8. *Motorboat.* No person shall operate or cause to be operated any motorboat in any lake, river, stream, or other waterway which is not muffled pursuant to F.S. § 327.65.
9. *Motor vehicles, motorcycles, mopeds and motorized scooters.* No person shall cause a rapid throttle advance (revving) of an internal combustion engine resulting in a noise disturbance.

10. Non-amplified sound:

- a. Residential use: Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
- b. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.