

DIVISION 2. - NOISE

Sec. 46-40 - Definitions.

(a) *Generally.*

As used in this division, the following terms shall have the meanings indicated:

Band pressure level of sound. For a specific frequency band, the sound pressure level for the sound contained within that restricted band. The reference pressure must be specified.

Construction. Any site preparation, any assembly, erection, substantial repair, alteration or similar action, excluding demolition, for or on a public or private right-of-way, structure or similar property.

dB(A). Sound level in decibels measured on the A scale of a standard sound-level meter, having characteristics defined by the American National Standards Institute (ANSI).

Decibel. The unit for measuring the amplitude of sound, as the term is defined in the applicable publication of the American National Standards Institute (ANSI).

Demolition. Any dismantling, intentional destruction or removal of structures from the utilities, public or private right-of-way surfaces or similar property surfaces and shall also include site clearing or land clearing.

Emergency. Any occurrence or set of occurrences involving actual or imminent physical trauma or property damage which necessitates immediate action.

Emergency work. Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger or damage.

Excessive and unnecessary noise. Any sound in quantities which is or may be harmful or injurious to human health or welfare, animal or plant life or property or unnecessarily interferes with the enjoyment of life or property, including outdoor recreation. In addition to the specific noise-generating activities set out below, this term includes the excessive and unnecessary honking of horns, whistles, operation of radios, phonographs, loudspeakers, amplifiers, equipment and excessive and unnecessary noise caused by animals.

Motorboat. Any boat or vessel propelled or powered by machinery, whether or not such machinery is the principal source of propulsion, including but not limited to boats, barges, amphibious craft, water-ski towing devices and hovercraft.

Motorcycle. Every motor vehicle having a seat or saddle for the use of a rider and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and other farm equipment, and including motor scooters, mopeds or any other motorized bicycle or three-wheeled vehicle.

Motor vehicle. Any vehicle which is or is designed to be self-propelled or is designed or used for transporting persons or property, including off-road vehicles being operated for recreational purposes.

Multifamily dwelling. A building or other shelter which has been divided into separate units to house more than one family, including but not limited to condominiums, apartments, duplexes and triplexes.

Noise. Any sound which annoys or disturbs humans or which can cause or tends to cause adverse psychological or physiological effects on humans.

Noise-sensitive areas. Any area designated by the police department through the city commission as an appropriate area where qualities of serenity, tranquility and quiet are of extraordinary significance and serve as an important public need, including but not limited to schools, libraries open to the public, hospitals, churches, nursing homes and convalescent homes. Such areas shall be marked by conspicuous signs designating such areas as a "noise-sensitive area."

Person. The state or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity and includes any officer, employee, agent or governing or managing body of any municipality, political subdivision or public or private corporation.

Planned development. A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources.

Powered model vehicle. Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle which is not designed to carry persons, including but not limited to model airplanes, boats, cars or rockets.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alleyway, parks and park sites or any other recreational area or similar place normally accessible to the public which is owned or controlled by this governmental entity being the City of North Port, Florida.

Public space. Any real property or structures thereon which is normally accessible to the general public.

Real property line. Any imaginary line along the surface of the land and its vertical plane extension which separates the real property owned, rented or leased or controlled by one person from that owned, rented, leased or controlled by another person, excluding intrabuilding real property divisions.

Side setback. A setback between any structure and the side lot line extending from the required front setback to the required rear setback and being the minimum horizontal distance between a side lot line and the side of the structure.

Sound level. The weighted sound-pressure level obtained by use of a metering characteristic and weighting, as specified in the ANSI Specifications for sound level meters, ANSI S1.4-1971, or in its successor publications. Unless otherwise indicated, the A-weighting scale shall apply in application of this division.

Sound-level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager output meter and weighting networks used to measure sound-pressure levels. The output meter shall read sound-pressure levels when properly calibrated, and the instrument shall be of Type 2 or better, as specified in the ANSI Publication S1.4-1971 or its successor publications.

Weekday. Any day, Monday through Friday, which is not a legal holiday.

Weighted sound level A. The sound level of all noise as measured with a sound-level meter using the A-weighting network. The unit of measurement shall be the db(A).

(b) *Miscellaneous definitions.* All terms herein which refer to zoning or land categories, including but not limited to commercial area, residential area, etc., shall be defined as set out in the various zoning ordinances or comprehensive plans or other resolutions duly adopted by the city commission.

(Code 1990, § 161-2; Ord. No. 2017-13, § 2(2.01), 10-10-2017)

Sec. 46-41. - General prohibitions.

No person shall make, continue or cause to be made or continued any unusually loud, unnecessary or excessive noise which unreasonably annoys, disturbs, injures or endangers the comfort or repose of others within the corporate limits of the City of North Port, Florida.

(Code 1990, § 161-3)

Sec. 46-42. - Specific prohibitions.

In addition to the general prohibitions set forth in section 46-41 above and the maximum permissible sound levels set forth in this division and unless otherwise exempted by this division or by any other act of this governing body, the following specific acts or the causing or permitting thereof are hereby declared in violation of this division:

- (1) Radios, television sets, musical instruments and similar devices: operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument or similar device which produces or reproduces sound:
 - a. Between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create excessive and unnecessary noise across a residential real property line or within a noise-sensitive area; or
 - b.

In such a manner as to exceed the levels for public space set forth herein, measured at a distance at least 50 feet (15 meters) from such device operating on a public right-of-way or public space.

- (2) Loudspeakers: using or operating for any purpose any loudspeaker, loudspeaker system or similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. to 10:00 a.m. on weekends and holidays in areas within or adjacent to residential, commercial or noise-sensitive zones, except for public speaking, public assembly or other activity for which a variance has been issued by the city commission.
- (3) Street or garage sales: offering for sale or selling anything or advertising by shouting or outcry within any residential or commercial area or a noise-sensitive zone, except by variance issued by the city commission.
- (4) Animals: owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise-sensitive zone. This provision shall apply to public zoos or private animal attractions operated for profit to which the general public has general admission and which are regulated by the city commission.
- (5) Loading and unloading: loading and unloading, opening, closing or other handling of boxes, crates, containers, equipment, building materials, garbage cans or similar objects between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and between 7:00 p.m. and 10:00 a.m. on weekends or holidays in or within 50 yards of any residential property line or noise-sensitive zone.
- (6) Construction and demolition: operating or permitting the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 9:00 p.m. and 7:00 a.m. the following day on weekdays or 9:00 p.m. and 7:30 a.m. on weekends and holidays in or within 50 yards of any residential area or noise-sensitive zone, except for emergency work by public service utilities or by a variance approved by the city commission.
- (7) Powered model vehicles: operating or permitting the operation of powered model vehicles between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 10:00 a.m. on weekends or holidays in or within 100 feet of any residential area or noise-sensitive zone or in such a manner as to exceed the levels set for public space land use as set forth herein, measured at a distance of not closer than 100 feet (30 meters) from any point on the path of a vehicle operating on a public space or public right-of-way.
- (8) Emergency signaling devices: the intentional sounding or permitting the sounding outdoors of any fire, burglary or emergency management alarm, fire whistle or similar stationary emergency signaling device, except for emergency signaling devices shall not occur before 7:00 a.m. or after 7:00 p.m., and any such testing shall use the minimum-cycle test time

appropriate for such devices, in no case to exceed 60 seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall occur only on weekdays and not before 7:00 a.m. or after 10:00 p.m. and shall be exempt from the time limit specified herein. The sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated within 15 minutes of activation, shall be prohibited.

- (9) Motorboats: operating or permitting the operation of any motorboat in any lake, river, stream, canal, bay or other waterway in such a manner as to cause unnecessary and excessive noise within a residential area or noise-sensitive zone.
- (10) Noise-sensitive zones: creating or causing the creation of any sound within any noise-sensitive zone so as to exceed the decibel levels set forth herein for such zone when measured at a distance at least 25 feet (7.5 meters) from the sound source, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive zone or the creating or causing the creation of any excessive and unnecessary noise within or adjacent to any noise-sensitive zone containing a hospital, nursing home, school, court or other designated area, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive zone.
- (11) Domestic power tools: operating or permitting the operation of any saw, fender, drill, grinder, lawn or garden tool or similar tool between 10:00 p.m. and 7:00 a.m. the following day on weekdays or 10:00 p.m. and 7:30 a.m. on weekends and holidays, unless such equipment is operated inside a building or other structure so that the sound therefrom does not travel across any residential real property line or noise-sensitive zone. All such equipment shall be properly muffled and maintained in working order so as not to create excessive and unnecessary noise.
- (12) Multifamily dwellings: operating or permitting the operation within a multi-family dwelling of any source of sound in a manner so as to exceed 55 db(A) from 7:00 a.m. to 10:00 p.m. or 45 db(A) from 10:00 p.m. to 7:00 a.m. on weekdays and 10:00 p.m. to 10:00 a.m. on weekends and holidays, when measured within an adjacent intrabuilding dwelling. These noise limits shall not be exceeded more than ten percent of any measurement, which shall not be less than ten minutes. The maximum permissible sound level, when measured in an adjacent intrabuilding area between 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays shall be 50 db(A).
- (13) Pumps, air-conditioning or air-handling equipment and other continuously operating equipment: operating or permitting the operation of any pump, air-conditioning, air-handling or other continuously operating equipment in such a manner as to exceed any of the following sound levels when measured as specified in the code of recommended practices incorporated herein:

| Measurement Location | Sound Level [db(A)] |
|---|---------------------|
| Any point on neighboring property line | 60 |
| Centering of nearest neighboring patio or porch | 55 |
| Outside a neighboring living area window nearest the equipment location | 55 |

a. The following is exempted from the noise regulations of section 46-42(13) of this chapter:
 Any pumps, air-conditioning, or air handling equipment located in an approved planned development where the side setback is less than seven and one-half feet from the real property line.

(14) Places of public entertainment: operating or permitting to be operated any loudspeaker or other source of sound in any place of public entertainment that exceeds the level shown in Table 1 below, at any point normally occupied by a customer, without a conspicuous and legible sign stating WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT.

Table 1

Permissible Noise Exposures

| Duration Per Day, Continuous Hours | Noise Level [db(A)] |
|------------------------------------|---------------------|
| 8 | 90 |
| 6 | 92 |
| 4 | 95 |
| 3 | 97 |
| 2 | 100 |
| 1½ | 102 |
| 1 | 105 |
| ½ | 110 |
| ¼ or less | 115 |

(15) Refuse collection vehicles: collecting refuse with a refuse collection vehicle between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 10:00 a.m. on weekends and holidays within a residential area or noise-sensitive zone.

(16) Recreational motorized vehicles operating off public right-of-way: operating or causing to be operated any recreational motorized vehicle or motorcycle off the public right-of-way in any residential or noise-sensitive zone. This section shall apply to all motorized vehicles or motorcycles, whether or not duly licensed and registered.

(17)

Repair of motorized vehicles: operating or causing to be operated any motorized vehicle under repair between the hours of 7:00 p.m. and 10:00 a.m. on weekdays, weekends and holidays within the residential areas or noise-sensitive zone.

(Code 1990, § 161-4; Ord. No. 2017-13, § 2(2.01), 10-10-2017)

Sec. 46-43. - Maximum permissible sound levels by receiving land use.

No person shall operate or cause to be operated any source of sound which travels off of the property limits where the sound originates in such a manner as to create a sound level which, when measured at the property line of the receiving property, exceeds the limit set forth for the receiving land use category in Table 2 below more than ten percent of any measurement, which shall not be less than ten minutes when measured on or beyond the property boundary of the receiving land use.

Table 2

| Receiving Land Use Category | Time | Sound Level Limits [db(A)] |
|---|---|----------------------------|
| Noise-sensitive | All | 50 |
| Residential or public space | 7:00 a.m. to 10:00 p.m. | 60 |
| | 10:00 p.m. to 7:00 a.m., weekdays | 55 |
| | 10:00 p.m. to 10:00 a.m., weekends and holidays | 55 |
| Commercial or business | 7:00 a.m. to 10:00 p.m. | 65 |
| | 10:00 p.m. to 7:00 a.m. | 60 |
| Manufacturing, industrial or agricultural | All | 80 |

- (1) For any source of sound, the maximum sound level shall not exceed the sound level limits in Table 2 above by:
 - a. Ten db(A) from 7:00 a.m. to 10:00 p.m.
 - b. Five db(A) from 10:00 p.m. to 7:00 a.m.
 - c. Ten dB(A) at all times in a manufacturing, industrial or agricultural land use area.
- (2) Exemptions. The provisions of this section shall not apply to:
 - a. The unamplified human voice.
 - b. The interstate railways, locomotives and cars.
 - c. Nonstationary farming equipment.
 - d. Aircraft operations.
 - e. Routine maintenance of public service utilities.

(Code 1990, § 161-5)

Sec. 46-44. - Method of measurement.

All measurements made to determine compliance with this division shall be conducted in accordance with the procedures set out in the code of recommended practices published by the Florida Department of Environmental Regulation in 1975, or with any other procedure subsequently recognized or established by the Florida Department of Environmental Regulation or the United States Environmental Protection Agency for use in the measurement and evaluation of community noise.

(Code 1990, § 161-6)

Sec. 46-45. - Exceptions by special permit.

Any person desiring to seek relief from any provision of this division shall apply to the city commission for a special permit to cause or create noise at levels which would otherwise be in violation of this division. Such permits shall be granted only upon the showing of good cause therefor and shall specify the duration for which such noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood.

(Code 1990, § 161-7)

Secs. 46-46—46-63. - Reserved.