

## ORDINANCE # 299

### AN ORDINANCE REGULATING NOISE, PROVIDING DEFINITIONS, DECLARING POLICY, ESTABLISHING EXCEPTIONS AND PROVIDING PENALTIES

THE CITY COUNCIL OF THE CITY OF BONIFAY, State of Florida does ordain as follows:

#### SECTION ONE DECLARATION OF POLICY

It is hereby declared to be the policy of this city that the peace, health, safety, and welfare of its citizens require protection from excessive, unnecessary, and unreasonable noises from any and all sources in the community. It is the intention of the City Council to control the adverse effect of such noise sources on the citizens under any condition of use, especially those conditions of use that have the most severe impact on any person.

#### SECTION TWO DEFINITIONS

For the purposes of this ordinance, certain terms are defined as follows:

(a) *Sound level*, expressed in decibels (dB), is a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1 "Acoustic Terminology." paragraph 2.9 or successor reference. All references to dB in this ordinance utilize the A- level weighting scale, abbreviated dBA, measured as set forth in this section.

(b) *Precision sound level meter* is a device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard S1.4, "Specification for Sound Level Meters."

(c) *Noise Level* is the maximum continuous sound level or repetitive peak level produced by a source or group of sources as measured with a precision sound level meter using "A" weighting scale, and the meter response function set to "slow."

(d) *Local ambient* is the lowest sound level repeating itself during a six (6) minute period as measured with a precision sound level meter, using slow response and "A" weighting. The minimum sound level shall be determined with the noise level of the source or sources at issue. However, for purposes of this ordinance, in no case shall the local ambient be considered or determined to be less than (1) 30 dBA for interior noise with respect to the requirements set forth in Section Three (b) of this ordinance, and (2) 40 dBA with respect to requirements set forth in all other sections. If a significant portion of the local ambient is produced by or more individual identifiable sources that would otherwise be operating continuously during the six minute measurement period and contributing significantly to the ambient sound level, determination of the local ambient shall be accomplished with these separate identifiable noise sources silent.

(e) A *vehicle* is any device by which any person or property may be propelled, moved or drawn on a highway or street.

(f) *Property plane* is a vertical plane passing through a property line, which determines the property boundaries in space.

(g) *Emergencies* are essential activities necessary to restore, preserve, protect, or save lives or property from imminent danger of loss or harm.

### SECTION THREE RESIDENTIAL PROPERTY NOISE LIMITS

(a) No person shall produce, suffer, or allow to be produced by any machine, animal, or device, or any combination of same, on residential property, a noise level more than 6 dB above the local ambient at any point outside of the property planes.

(b) No person shall produce, suffer, or allow to be produced by any machine, animal, or device, or any combination of same, on multi-family residential property, a noise level more than 5 dB above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.



**SECTION FOUR  
COMMERCIAL AND INDUSTRIAL PROPERTY NOISE LIMITS**

No person shall produce, suffer, or allow to be produced by any machine or devise, or any combination of same, on commercial or industrial property, a noise level more than 8 dB above the local ambient at any point outside of the property planes.

**SECTION FIVE  
PUBLIC PROPERTY NOISE LIMITS**

(a) No person shall produce, suffer, or allow to be produced by any machine or devise, of any combination of same, on public property, a noise level more than 15 dB above the local ambient at a distance of twenty-five (25) feet or more, unless otherwise provided in this ordinance.

(b) Sound performances and special events not exceeding 80 dBA measured at a distance of fifty (50) feet are exempt from this ordinance when approved therefor has been obtained from the appropriate governmental entity, as provided in the Municipal Code.

(c) Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when the vehicle is at rest, or when the situation, endangering life, health, or property is not imminent.

**SECTION SIX  
SPECIAL PROVISIONS**

(a) *Daytime exceptions.* Any noise source that does not produce a noise level exceeding 70 dBA at a distance of twenty-five (25) feet under its most noisy condition of use shall be exempt from the provisions of Sections Three (a), Four and five (a) between the hours of 8 a.m. and 8 p.m. daily, except on Sundays and holidays, when the exemption herein shall apply between 10 a.m. and 6 p.m.

(b) *Safety devices.* Aural warning devices that are required by law to protect the health, safety, and welfare of the community shall not produce a noise level more than 3 dB above the standard or minimum level stipulated by law.

(c) *Emergencies.* Emergencies are exempt from this ordinance, between the hours of 8 a.m. and 8 p.m. daily, except on Sundays and holidays, when the exemption herein shall apply between 10 a.m. and

6 p.m., construction, alteration, or repair activities that are authorized by a valid city permit shall be allowed if they meet at least one of the following noise limitations:

(1) No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of twenty five (25) feet. If the device is housed within a structure on property, the measurement shall be made outside the structure at a distance as close to twenty-five (25) feet from the equipment as possible.

(2) The noise level at any point outside of the property planes of the project shall not exceed 86 dBA.

**SECTION SEVEN  
EXCEPTION PERMITS**

If an applicant can show to City Clerk that a diligent investigation of available noise abatement techniques indicates that immediate compliance with the requirements of this ordinance would be impractical or unreasonable, a permit to allow exception from the provisions contained in all or a portion of this ordinance may be issued, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be of as short duration as possible up to six (6) months, but renewable on a showing of good cause, and shall be conditioned by a schedule of compliance and details of methods therefore in appropriate cases. Any person aggrieved with the decision of the City Clerk may appeal to the City Council for relief.

**SECTION EIGHT  
PENALTY**

Violation of this Ordinance is punishable by fine and imprisonment as a third degree misdemeanor as defined by Florida Law.

**SECTION NINE  
EFFECTIVE DATE**

This ordinance shall become effective immediately upon its passage.

PASSED BY THE CITY COUNCIL of Bonifay on this \_\_\_\_\_ day of  
\_\_\_\_\_ 1996.

CITY COUNCIL  
CITY OF BONIFAY

By: \_\_\_\_\_  
Mayor

  
Attest: Clerk