

ORDINANCE NO. 348

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

BE IT ENACTED by the City Council of the City of Bonifay, Florida, a municipal corporation, as follows:

**SECTION 1
DECLARATION OF POLICY**

It is hereby declared to be the policy of the City of Bonifay, Florida 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 2
DEFINITIONS**

(a) *Sound level*: a logarithmic indication, expressed in decibels (dB), of the ratio between the acoustic energy present in a given location and the lowest amount of acoustic energy audible to human ears and weighted by frequency to account for characteristics of human hearing. All references to dB in this Ordinance utilize the "A" level weighting scale, abbreviated dBA, measured as set forth herein.

(b) *Precision sound level meter*: a device for measuring sound level in decibel units within certain performance specifications set forth by the American National Standards Institute.

(c) *Noise level*: 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 the "A" weighting scale.

(d) *Local ambient*: the lowest sound level repeating itself during a six (6) minute period as measured with a precision sound level meter, using "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 35 dBA for interior noise with respect to the requirements as set forth in Section 3(b) of this Ordinance, and 45 dBA with respect to requirements as set forth in all other Sections of this Ordinance. If a significant portion of the local ambient is produced by one or more 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) *Vehicle*: any device by which any person or property may be propelled, moved or drawn on a highway or street.

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

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

SECTION 3 RESIDENTIAL PROPERTY NOISES

(a) No person shall produce, suffer, or allow to be produced by any machine, animal, or device, or any combination thereof, on residential property, a noise level more than 10 dB above the local ambient, for a one second interval, 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 thereof, on multi-family residential property, a noise level more than 10 dB above the local ambient, for a one second interval, 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 4 COMMERCIAL AND INDUSTRIAL PROPERTY NOISE LIMITS

No person shall produce, suffer, or allow to be produced by any machine, animal, or device, or any combination thereof, on commercial or industrial property, a noise level more than 20 dB above the local ambient, for a one second interval, at any point outside of the property planes.

SECTION 5 PUBLIC PROPERTY NOISE LIMITS

(a) No person shall produce, suffer, or allow to be produced by any machine, animal, or device, or any combination thereof, on public property, a noise level more than 25 dB above the local ambient, for a one second interval, at a distance of twenty five (25) feet or more, unless otherwise provided in this Ordinance.

(b) Sound performances, special events and any other special circumstance occurrences not exceeding 85 dBA, for a one second interval, measured at a distance of fifty (50) feet are exempt from this Ordinance when approval therefor has been obtained from the City Council.

(c) Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall be exempt from the provisions of this Ordinance only if the devices are employed when a situation, endangering life, health, or property is imminent.

SECTION 6 SPECIAL PROVISIONS

(a) *Daytime exceptions.* Any noise source that does not produce a noise level exceeding 80 dBA at a distance of twenty five (25) feet, for a one second interval, shall be exempt from the provisions of Section 3(a), Section 4, and Section 5(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 5 dB above the standard or minimum level stipulated by law.

(c) *Emergencies.* Emergencies are exempt from the provisions of this Ordinance.

(d) *Construction.* 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 85 dBA at a distance of twenty five (25) feet, for a one second interval. 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 90 dBA, for a one second interval.

SECTION 7 EXCEPTION PERMITS

If an applicant can satisfy the 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 may be issued by the City Clerk, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall not be of a period exceeding one (1) year, but shall be renewable on a showing of good cause. Any person aggrieved by the decision of the City Clerk may appeal to the City Council for relief.

SECTION 8 PENALTIES

Violations of this Ordinance are punishable by a one hundred dollar (\$100.00) fine per violation or occurrence. The City Council, upon majority vote, shall determine when to impose such a fine. Violation of this Ordinance is further punishable by fine and incarceration as a second degree misdemeanor as defined by Florida law.


SECTION 9 EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.

PRESENTED, read by title, and tabled pending publication and public hearing as required by law on the 11th day of September, 2006.

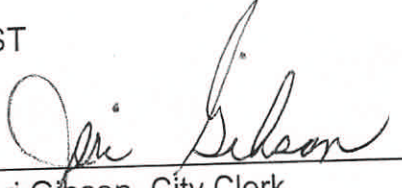
PRESENTED, read by title, after publication and public hearing, duly enacted by the City Council of the City of Bonifay, Florida, on this 25th day of September, 2006.

CITY OF BONIFAY, FLORIDA

BY: 
Frederic L. Howell, Mayor

ATTEST

BY:



Jeri Gibson, City Clerk