



*Meeting of the City Commission
Commission Chambers / City Hall Annex
14150 5th Street
Dade City, Florida*

WORKSHOP SESSION

**TUESDAY, APRIL 25, 2006
4:30 p.m.**

1. Discussion – proposed revision to the Noise Ordinance

BY THE CITY COMMISSION

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, AMENDING SECTIONS 42-31 THROUGH 42-33 OF THE DADE CITY CODE OF ORDINANCES TO SUBSTANTIALLY REWRITE REGULATIONS PERTAINING TO NOISE; PROVIDING DEFINITIONS AND FINDINGS; PROVIDING FOR UNLAWFUL ACTS, EXCEPTIONS AND WAIVERS THEREOF; PROVIDING FOR THE PROHIBITION OF SPECIFIC NOISES; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Dade City adopted the current noise ordinance in 1956, which ordinance has since been codified as Sections 42-31 through 42-33 of the Dade City Code of Ordinances; and

WHEREAS, the current noise regulations fail to provide specific decibel levels and guidelines from which various noises can be quantified and equitably managed; and

WHEREAS, the City Commission has studied the issue of noise pollution within the City limits and has adopted the findings set forth in this Ordinance; and

WHEREAS, it has become necessary to amend the existing noise regulations to provide specific guidelines for the control of noise proliferation.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Dade City, Florida as follows:

SECTION 1.: Sections 42-31 through 42-33 of the Dade City Code of Ordinances are hereby deleted and substantially rewritten as follows:

Sec. 42-31. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them, 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 Ordinance 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/cm squared. The ratio is squared because pressure squared, and not pressure, is proportional to energy.

Sec. 42-32. Findings.

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

- (1) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the City 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 City.
- (3) The necessity in the public interest for this Ordinance is declared as a matter of legislative determination and public policy, and it is further declared that this Ordinance is in pursuance of and for the purpose of securing and promoting the public health, comfort, safety and repose of the City and its inhabitants.

Sec. 42-33. Unlawful acts.

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

Sec. 42-34. Areas embraced.

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

Sec. 42-35. 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 City Manager in accordance with the Special Events Ordinance.

Sec. 42-36. Waivers.

(a) An application for a waiver for relief from the maximum allowable noise level limits designated in this Ordinance may be made in writing to the City Council through the City Manager's Office. Any waiver granted by the City Commission under this section must be in writing and shall contain all conditions upon which the permit shall be effective. The City Commission may only grant the waiver as applied for under the following conditions:

- (1) The City Commission may prescribe any reasonable conditions or requirements which may be deemed 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 and emanating such sounds on the effective date of this Ordinance.
- (3) Waivers may be issued for no longer than one hundred eighty (180) days, renewable by further application to the City Commission.

(b) Any party directly aggrieved by the denial of the application for waiver by the City Commission may appeal such denial to the circuit court, such appeal to be filed within thirty (30) calendar days from the date of denial.

Sec. 42-37. Specific noises prohibited.

The following specific noises are prohibited under this Ordinance:

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

(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 which was 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 only by waivers granted by the City Commission 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 (including the type of noise generated therefrom) 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 including but not limited to duplexes, condominiums, and townhomes, 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 City Commission 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 Commission 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 (10) feet from the source, except for planned community events or permitted special events, including but not limited to festivals, concerts, speeches, sporting events, fireworks displays, etc. When a planned community or special event will create noise in excess of the limit of 60 dBA, a permit must be obtained from the City Commission 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 (10) 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.

SECTION 2. **Repealer.** All ordinances or code provisions in conflict with this Ordinance, including but not limited to former Sections 42-31 through 42-33 of the Dade City Code of Ordinances, are hereby repealed.

SECTION 3. **Codification.** It is the intention of the City Commission that this Ordinance be subsequently codified as Sections 42-31 through 42-37 of the Dade City Code of Ordinances.

SECTION 4. **Severability.** It is declared to be the intent of the City Commission of the City of Dade City, Florida that if any section, subsection, sentence, clause, or provision of this ordinance shall be declared invalid, the remainder of the ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 5. **Effective Date.** This ordinance shall become effective as provided in the City Charter.

The foregoing Ordinance No. 2006-0923 was read and passed on the first reading on March 27, 2006, and read and approved following public hearing on the ____ day of _____, 2006.

ATTEST:

CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

P. Hutchison Brock, II, Mayor

Approved as to legal form and legal content

Karla S. Owens, City Attorney