

ARTICLE VI. - NOISE^[6]

Footnotes:

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Cross reference— Code enforcement board, § 2-66 et seq.; amusement devices, Ch. 5; business taxes, permits and business regulations, Ch. 11; marine activities and ways, Ch. 12; boats, § 12-26 et seq.; traffic and motor vehicles, Ch. 20; buildings and building structure regulations, Ch. 22; subdivisions, Ch. 24; zoning, Ch. 26.

State Law reference— Automobile noise, F.S. §§ 316.293, 403.415.

Sec. 10-111. - Sound devices on vehicles and aircraft.

- (a) It shall be unlawful for any person to operate in the city any wagon, airplane, truck or vehicle upon which or in which there is placed any sound device whereby announcements or broadcasts are made, or music is played, unless a permit shall have been granted by the city manager, or such other person designated by the manager, of the city therefor. Any person desiring a permit shall make application to the city manager for the same, and if it shall appear to the city manager that it will be detrimental to the best interests of the public, such permit shall not be granted. The city manager or his authorized designee is hereby given the power and authority to designate, in the event any permit is granted, the conditions of such permit, and such conditions shall be imposed so that the peace and quiet of the inhabitants of the city shall not be interfered with.
- (b) If any person should be granted a permit, in accordance with this section and shall violate the terms and conditions thereof, the city manager or his authorized designee is hereby authorized to revoke the permit, and the person shall be guilty of violation of the provisions hereof, and subject to the penalties provided by section 1-13.

(Code 1964, § 15-12; Ord. No. 91-22, § 10, 3-4-91)

Sec. 10-112. - Musical instruments and radios.

It shall be unlawful for any person, without a permit from the city manager or his authorized designee, to maintain and operate in any place or on any premises in the city, any radio or other mechanical musical instrument or device of any kind whereby the sounds therefrom are cast directly upon public streets and places, and where such devices are maintained and operated for advertising purposes or for the purpose of attracting the passing public, or which are so placed and operated that sounds coming therefrom can be heard to the annoyance and inconvenience of travelers upon any street or public place or of persons in neighboring premises, provided, however, that between the hours from 11:30 a.m. to 1:00 p.m. and from 5:00 p.m. to 8:00 p.m. such radios or other mechanical musical instruments or devices may be maintained or operated in such a manner that the sounds therefrom may be heard not more than a distance of three hundred (300) feet therefrom.

(Code 1964, § 15-13; Ord. No. 91-22, § 10, 3-4-91)

Sec. 10-113. - Hours noisy outdoor amusements must close.

It shall be unlawful for the owner of or any person employed at any place where an outdoor amusement is operated, to operate or conduct such business between the hours from 10:00 p.m. to 7:00 a.m. of each day, whereby noise emitting therefrom shall disturb the peace and quiet of inhabitants or occupants of any occupied building.

(Code 1964, § 15-14)

Sec. 10-114. - Hours loud businesses may operate.

- (a) No person shall perform labor, work, operate or conduct any business or enterprise in the city within one thousand (1,000) feet of inhabited dwellings, apartments or hotels if the noise emitted from the operation of such business or enterprise shall disturb or is detrimental to the health, peace and quiet of surrounding

residents. The provisions of this section shall not apply to businesses operating between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, which are defined as Monday through Friday.

- (b) Notwithstanding the foregoing, application may be made to the city manager or his authorized designee, who may issue a permit authorizing any business to operate during the prohibited hours, for a period not to exceed thirty (30) days.

(Code 1964, § 15-15; Ord. No. 91-22, § 10, 3-4-91; Ord. No. 01-18, § 2, 2-21-01)

Cross reference— Business taxes, permits and business regulations, Ch. 11.

Sec. 10-115. - Loud and unnecessary noises prohibited.

The creation of any unreasonably loud, disturbing and unnecessary noises in the city is prohibited. Noises of such character, intensity and duration, as to be detrimental to the life or health of any individual, or in the disturbance of the public peace and welfare, are prohibited.

(Code 1964, § 15-16)

Sec. 10-116. - Acts declared loud and unnecessary.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises, and noises in violation of this section but this enumeration shall not be deemed to be exclusive, namely:

- (1) The blowing of locomotive whistles within the corporate limits of the city after 10:00 p.m. and before 7:00 a.m. and the ringing of locomotive bells while the engines are standing still, except in case of giving necessary warning signals in conformity with all laws of the state or ordinances of the city, and then only to the extent necessary, is hereby declared a violation of this section. When necessary to give communication signals, then such signals shall be by lights or ringing of the bell only, or by such means as will not disturb the peace and quiet of the neighborhood.
- (2) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device for an unnecessary and unreasonable period of time.
- (3) The playing of any radio, television, phonograph or any musical instrument in such manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (4) Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or any other type of residence, or of any person in the vicinity.
- (5) The keeping of any animal, bird or fowl which by causing frequent or long-continued noise shall disturb the comfort or repose of any person in the vicinity.
- (6) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.
- (7) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city officials.
- (8) To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(Code 1964, § 15-17)

Sec. 10-117. - When sections 10-115 and 10-116 inapplicable.

None of the terms or prohibitions of sections 10-115 and 10-116 hereof shall be applied to or enforced against:

- (1) Any vehicle of the city while engaged in necessary public business.
- (2) Excavations or repairs of bridges, streets, or highways by or on behalf of the city, county or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(Code 1964, § 15-18)