

ARTICLE III. - NOISE

FOOTNOTE(S):

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Cross reference— Compatible land uses and noise zones at the Boca Raton Airport, § 3-46 et seq.; certain loud and disturbing noises by peddlers prohibited, § 8-158; noise regulations in public park and recreation areas, § 11-65.

Sec. 10-51. - Definitions.

For the purpose of the article, whenever any of the following words, terms or definitions are used herein they shall have the meanings respectively ascribed to them in this section, except where the context requires otherwise:

"Acoustical terminology" shall mean that contained in ASA S1.1—1960, American Standard Acoustical Terminology of the American National Standards Institute.

"Authorized emergency vehicle" shall mean the following:

- (a) All vehicles of the department of transportation of the state, designated as emergency vehicles by that department.
- (b) All police and fire vehicles of any municipality, or of any county or of the state.
- (c) Emergency vehicles of any of the several departments of the city.
- (d) Emergency vehicles of any public service corporation.
- (e) All ambulances and rescue vehicles.

"Decibel" shall mean a unit for measuring the intensity of a sound, the mathematical formula for which is expressed as the volume of sound which is equal to 10 times the logarithm of the ratio of the intensity of the sound to the intensity of a specified standard sound; abbreviated "dB."

"Discrete tone" shall mean a pure tone or a single frequency sound. This is expressed technically as a sound wave whose instantaneous sound pressure varies essentially as a single sinusoidal function of time.

"Fluctuating noise" shall mean a noise in which the loudness varies with time. This is expressed technically as a noise whose sound pressure level varies significantly and exceeds the ambient noise level.

"Impulsive noise" shall mean a very short, loud noise. It is a noise characterized by brief exertions of sound pressure which significantly exceed the ambient sound pressure.

"Intermittent noise" shall mean an interrupted noise which reoccurs at either regular or irregular intervals, excluding an impulsive noise. The sound pressure level of an intermittent noise will equal the ambient environmental level 2 or more times during the period of observation.

"Motor vehicle" shall mean any vehicle which is self-propelled except one which is operated on rails.

"Motorcycle" shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground.

"Motor-driven cycle" shall mean any motorcycle, and any motor scooter with a motor which produces not to exceed 5 brake horsepower, including every bicycle with a motor attached.

"Nonsteady noise" shall mean the same as a fluctuating noise.

"Period of observation" shall mean the time interval during which acoustical data and facts are obtained.

"Railroad" shall mean a carrier of persons or property upon cars operated upon stationary rails.

"Railroad train" shall mean an engine propelled by steam, electric, diesel or gasoline power, with or without cars coupled thereto, operated on rails, and including motor vehicles so adapted while operating on rails.

"Sound pressure level" shall mean, in decibels, 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. The reference is 0.0002 microbar. The sound pressure level may be evaluated using FLAT, A, B, or C scales as defined by the American National Standards Institute, and shall be labeled dB, dBA, dBB or dBC respectively.

"Steady noise" shall mean a nonfluctuating noise or a noise whose level remains essentially constant during the period of observation.

"Student housing facility" shall mean as that term is defined in section 28-2 of the city's zoning code.

"Zoning district" shall mean any of the several designated categories stating land use and building size, bulk and density requirements, which are contained and enumerated in the zoning code of the city, chapter 28.

(Code 1966, § 10A-14; Ord. No. 5193, § 1, 1-24-12)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 10-52. - Environmental control policy.

In furtherance of the mandate of the people, as expressed in article II, section 7 of the state constitution, it shall be the policy of the city to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by ordinance for the abatement of air and water pollution and of excessive and unnecessary noise.

(Code 1966, § 10A-1)

Sec. 10-53. - Standards adopted.

The following standards are hereby adopted by reference as part of this article, and such standards supplement but do not supersede the specific requirements set forth herein:

- (a) The following standards of the Air Conditioning and Refrigeration Institute, 1815 North Fort Meyer Drive, Arlington, Virginia 22209:
 1. ARI Standard 270. Standard for Sound Rating of Outdoor Unitary Equipment (1967).
 2. ARI Standard 275. Standard for Application of Sound Rated Outdoor Unitary Equipment (1969).
 3. ARI Standard 443. Standard for Sound Rating of Room Fan-Coil Air Conditioners (1970).
 4. ARI Standard 446. Standards for Sound Rating of Room Air Induction Units (1968).
- (b) The following standards of the American National Standards Institute, 1430 Broadway, New York, New York, 10018:
 1. ASA S1.1—1960. American Standard Acoustical Terminology.
 2. ASA S1.2—1962. American Standard Method for the Physical Measurement of Sound.

3. ANSI S1.4—1971. American National Standard Specifications for Sound Level Meters.
 4. ANSI S1.13—1971. American National Standard Methods for the Measurement of Sound Pressure Levels.
 5. ANSI S5.1—1971. American National Standards Test Code for the Measurement of Sound From Pneumatic Equipment.
- (c) The following standards of the Society of Automotive Engineers, 2 Pennsylvania Plaza, New York, New York, 10001:
1. SAE Recommended Practice J 184. Qualifying a Sound Data Acquisition System.
 2. SAE Recommended Practice 366. Exterior Sound Level For Heavy Trucks and Buses.
 3. SAE Standard J 952b. Sound Levels For Engine-Powered Equipment.
- (d) The following standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers, United Engineering Center, 345 East 47th Street, New York, New York, 10017:
1. ASHRAE Standard 36-62. Measurement of Sound Power Radiated from Heating, Refrigerating and Air Conditioning Equipment.
 2. ASHRAE Standard 36A-63. Method of Determining Sound Power Levels of Room Air Conditioners and Other Ductless, Through-The-Wall Equipment.
 3. ASHRAE Standard 36B-63. Method of Testing for Rating the Acoustic Performance of Air Control and Terminal Devices and Similar Equipment.
- (e) The following standards of the International Organization for Standardization, c/o the American Standards Institute, 1430 Broadway, New York, New York, 10018:
1. ISO Recommendation R266. Preferred Frequencies for Acoustical Measurements (1962).
 2. ISO Recommendation R362. Measurement of Noise Emitted by Vehicles (1964).
 3. ISO Recommendation R532. Method for Calculating Loudness Level (1966).
 4. ISO Recommendation R495. General Requirements for the Preparation of Test Codes for Measuring the Noise Emitted by Machines (1966).

(Code 1966, § 10A-13)

Cross reference— Traffic and vehicles, ch. 16; trucks, § 16-56 et seq.

Sec. 10-54. - Creation of excessive noise unlawful.

It shall be unlawful for any person knowingly or willfully or through his culpable negligence to make or create excessive or unusually loud noise within the city as heard by persons and measured in the manner hereinafter set forth.

(Code 1966, § 10A-15)

Sec. 10-55. - Noise from buildings or premises.

No person owning or in possession or control of any building or premises shall use the same or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall by its boisterous nature be excessive or unusually loud and thereby disturb or destroy the peace of the neighborhood in which such building or premises is situated, or be dangerous or detrimental to health.

(Code 1966, § 10A-16)

Cross reference— Buildings and building regulations, ch. 19.

Sec. 10-56. - Horns, signal devices.

No person shall sound any horn or audible signal device of any motor vehicle, boat, train, engine, machine or stationary boiler of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, or as a danger warning, nor shall it be sounded for any unnecessary or unreasonable period of time. This section shall not be construed as forbidding the use of a signal device on an emergency vehicle as a warning signal during the use thereof.

(Code 1966, § 10A-17)

Cross reference— Traffic and vehicles, ch. 16.

Sec. 10-57. - Radios, electronic audio equipment, musical instruments.

No person shall use, operate or play any radio, phonograph, stereo set, tape player, television set, sound amplifier or other electronic audio device or any musical instrument which produces or reproduces sound at an excessive or unusually loud volume level so as to disturb the peace, quiet and comfort of the neighborhood in the vicinity thereof.

(Code 1966, § 10A-18)

Sec. 10-58. - Loudspeakers, devices for advertising.

No person shall use, operate or play any loudspeaker, sound amplifier or musical instrument which produces or reproduces sound which is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any building, structure or place or to the activity which is being carried on therein.

(Code 1966, § 10A-19)

Cross reference— Licenses and business regulations, ch. 8.

Sec. 10-59. - Noisy, boisterous conduct.

It shall be unlawful to knowingly and willfully cause or create excessive and unnecessary noise by engaging in boisterous, noisy and loud conduct while upon a public street, sidewalk or parkway so as to annoy or disturb the quiet, comfort or repose of persons in any office, store, dwelling, hotel, motel or residence within the range of hearing.

(Code 1966, § 10A-20)

Cross reference— Miscellaneous offenses, ch. 9.

Sec. 10-60. - Animal noises.

- (1) It shall be unlawful to keep or maintain any dog, cat, bird or other animal, within residential zones of the city which causes a noise disturbance by habitually howling, barking, meowing, squawking, or other noise making. It shall also be unlawful to cause any animal, bird or fowl to make or create any excessive or unnecessary noise by taunting, beating or coercing the animal, bird or fowl, or by depriving same of necessary food, water or shelter.
- (2) The city manager or designee shall investigate an alleged violation of this section upon the receipt of either:
 - (a) Sworn affidavits of complaint signed by 2 unrelated residents living in separate dwellings in the close vicinity of the alleged violation; or
 - (b) Sworn affidavit of complaint signed by a resident living in the close vicinity of the alleged violation together with a video tape of the activity complained of recorded by, or recorded in the physical presence of, such resident.
- (3) The affidavit(s) shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known. The video tape shall include the date and time of the event being recorded and shall provide evidence of the nature and extent of the violation.
- (4) Upon receipt of the materials set forth in either (2)(a) or (2)(b), enforcement procedures pursuant to section 2-100 of this Code may be instituted against the owner or custodian of any animal alleged to be in violation of this section

(Code 1966, § 10A-21; Ord. No. 4112, § 1, 8-24-93; Ord. No. 4653, § 1, 6-11-02)

Cross reference— Animals, ch. 5.

Sec. 10-61. - Engine exhaust.

It shall be unlawful to discharge into the open air the exhaust of any steam engine, turbine or internal combustion engine of any kind, whether on a motor vehicle, boat or any machine of any kind, except through a muffler or other device which will effectively prevent excessive and unnecessary loud or explosive noise therefrom.

(Code 1966, § 10A-22)

Sec. 10-62. - Vehicle defect or condition of load.

It shall be unlawful for any person to operate a motor vehicle or motor-propelled boat so out of repair, or defective or under any condition of load, acceleration or deceleration, as to create excessive and unnecessary loud or explosive noises therefrom.

(Code 1966, § 10A-23)

Sec. 10-63. - Loading, unloading, unpacking.

It shall be unlawful for any person engaged in loading, unloading, packing or unpacking or opening crates, boxes or containers, including the loading or unloading of any motor vehicles or truck trailers onto any truck transport or railway car to create excessive and unnecessary loud noises therefrom.

(Code 1966, § 10A-24)

Sec. 10-64. - Construction activity.

- (1) It shall be unlawful for any person to do, perform or engage in any construction work, building, excavating, hoisting, grading, pile driving, pneumatic hammering, demolition, dredging, building alteration or repair work of any nature to any building or structure or upon any site for same in the city prior to 7:00 a.m. or after 6:00 p.m. on Monday through Friday, prior to 8:00 a.m. or after 6:00 p.m. on Saturday, or any time on Sunday, if any such activity shall cause noises whose levels result in the limits in this Code to be exceeded.
- (2) Any person desiring to engage in the aforesaid activity beyond the stated hours or days of limitation, based upon cases of urgent necessity or upon the interests of public health, safety and ultimate convenience, may apply to the city manager for a special permit allowing same. Such permits if granted shall be limited to a period of up to 3 days' duration, but may be renewed for additional periods of up to 3 days each if the emergency or need therefore continues. In the issuance of such permits the city manager should weigh all facts and circumstances and should determine whether the reasons given for the urgent necessity are valid and reasonable, whether the public health, safety and ultimate convenience will be protected or better served by granting the permit requested, and whether the manner and amount of loss or inconvenience to the party in interest imposes a significant hardship. Upon an affirmative finding of the foregoing considerations, the city manager is authorized to issue the permit requested and any extensions thereof, as may be required. During such periods of emergency activities and during the normal construction hours of 7:00 a.m. to 6:00 p.m. on Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday, the noise levels generated by construction activities shall not exceed 75 dBA for more than 10 percent of the time when measured at a distance of 50 feet from the construction site.

(Code 1966, § 10A-25; Ord. No. 3880, § 1, 3-26-91; Ord. No. 4652, § 1, 5-29-02)

Sec. 10-65. - Schools and protected areas.

It shall be unlawful to create any excessive and unnecessary loud noise on any street or any adjacent area within 500 feet of any hospital or within 500 feet of any school, institution of learning, public park, church or courtroom in the city during the period of use thereof, where such noise causes interference with the workings of such facility or disturbs or annoys the persons using such facility. There shall be no conviction for violation of this provision, however, unless signs bearing an appropriate warning legend are posted and displayed in a conspicuous manner on the streets approaching such facilities.

(Code 1966, § 10A-26)

Sec. 10-66. - Fans and air conditioners.

- (1) It shall be unlawful to create any excessive and unnecessary loud noise by the use or operation of any noise-creating air conditioner, compressor unit, power fan or blower or the electric motor or any engine used to drive such device, the operation of which causes such excessive and unnecessary noise, unless such noise is muffled and deadened by adequate noise suppression and muffling devices to eliminate annoyance and disturbance to persons within the range of hearing.
- (2) Upon the effective date of this article, the location and placement of all new or replacement air conditioning equipment on the outside of the building or structure it serves shall be specified by the city manager or designee, and shall be so shown and designated on the plans and specifications for such construction as the city manager or designee directs. In addition, the city manager or designee shall require compliance with all reasonable sound abatement measures and sound screening which may be necessary or desirable to prevent such air conditioning equipment from creating excessive or unnecessary noise. All such air conditioning equipment hereafter installed in the city shall carry the manufacturer's certification of the sound rating thereof, as determined by the applicable standards of

the Air-Conditioning and Refrigeration Institute or the American Society of Heating, Refrigeration and Air Conditioning Engineers, which sound rating shall not exceed a value which will cause the limits of section 10-72 to be exceeded. All pertinent information and data as to the sound ratings of such equipment shall be furnished to the building division at the time application for the building permit is made.

(3) The following provisions shall apply to emergency generators in all residential districts.

Emergency generators installed in all residential districts shall be exempt from the sound rating values set forth in section 10-72, Code of Ordinances when operated during power outages; provided however, in no event shall the sound rating value of emergency generators in any residential district exceed 72 dBA. Emergency generators in all residential districts may be operated for testing purposes 1 time for a period not to exceed 30 minutes in any 7-day period. Testing of emergency generators in all residential districts is permitted between the hours of 11 a.m. through 5 p.m., Monday through Saturday. No testing of emergency generators in any residential districts is permitted on Sundays or federal holidays.

(Code 1966, § 10A-27; Ord. No. 4636, § 1, 3-19-02)

Sec. 10-67. - Lawn maintenance devices.

It shall be unlawful to operate lawn mowers, edgers, trimmers and power-driven hedge shears in the city between the hours of 9:00 p.m. and 7:00 a.m.

(Code 1966, § 10A-28; Ord. No. 3883, § 1, 10-23-90)

Sec. 10-68. - Noise measurement.

For the purpose of determining and classifying any noise as excessive and unnecessary noise or as an unusually loud noise, which is hereby declared to be unlawful and prohibited by this article, the test measurements, requirements and provisions in sections 10-69 through 10-78 may be applied provided, however, a violation of this article may occur without the occasion of the measurements being made as hereinafter provided.

(Code 1966, § 10A-29)

Sec. 10-69. - Periods of observation.

All periods of observation made hereunder shall be determined with regard to the character of the noise being measured, and the particular instrument used to make the measurement, and shall be made in accordance with the standards contained in ANSI S1.13—1971 of the American National Standards Institute.

(Code 1966, § 10A-30)

Sec. 10-70. - Enforcement program.

The purpose and intent of this article goes beyond the mere issuance of citations and filing of prosecutions for violations hereof. The city environmental officer is directed to help and assist those persons creating excessive and unusual loud noise to conform to the standards as herein provided whenever possible by voluntary compliance.

(Code 1966, § 10A-31)

Sec. 10-71. - Prerequisites for violations.

No acts proscribed by sections 10-73 through 10-78 shall be deemed to be a violation thereof, unless and until the following conditions have been met:

- (a) The environmental officer has issued a warning citation to the offender.
- (b) The environmental officer has attempted to resolve the attendant problem which is the fundamental cause for the creation of the excessive and unnecessary loud noise complained of, with meaningful advice or suggestions for sound-control measures.
- (c) Within 15 days, the person or party causing such excessive and unnecessary noise has substantially and effectively disregarded the advice and assistance tendered by the environmental officer, and has persisted in the creating of such noise.
- (d) The operator of such process, equipment, machinery, plant or operation cannot prevent or avoid the resultant excessive and unusually loud noise thereby created because it is inherent in the nature of the activity.

(Code 1966, § 10A-32)

Sec. 10-72. - Noise control measurement standards.

The noise from any activity or from any permissible use of property within the meaning of the applicable zoning district classifications of the city shall be deemed to be excessive and unusually loud if it exceeds the noise levels which are proscribed below, the measurement of which is based upon decibels, i.e., 0.0002 microbar, and day conditions referring to the time between 7:00 a.m. and 7:00 p.m. and night conditions referring to the time between 7:00 p.m. and 7:00 a.m. In making all such measurement as well as the method employed shall be consistent with the regulations of the American National Standards Institute or its successor bodies.

- (a) At no point on the boundary of or within a residential area zoned for 1- or 2-family dwellings and as a result of any fixed mechanical or electrical noise source outside of the property in question may the following sound pressure levels be exceeded:
Day: 55 dBA.
Night: 50 dBA.
- (b) At no point on the boundary of or within a residential area zoned for apartment living, and as a result of any fixed mechanical or electrical noise source outside of the property in question may the following sound pressure levels be exceeded:
Day: 55 dBA.
Night: 50 dBA.
- (c) At no point on the boundary of or within an area zoned for retail or commercial use and as a result of any fixed mechanical or electrical noise source outside of the property in question may the following sound pressure levels be exceeded:
Day: 60 dBA.
Night: 60 dBA.
- (d) At no point at distances of 50 feet or more from the boundary of a property zoned for light or restricted industry which contains a noise source or within the boundary of another adjacent light industrially zoned property may the following sound pressure levels due to the noise source be exceeded:
Day: 60 dBA.

Night: 60 dBA.

(e) At no point at distances of 50 feet or more from the boundary of a property zoned for industrial use which contains a noise source or within the boundary of another industrially zoned property may the following sound pressure levels due to the noise source be exceeded:

Day: 65 dBA.

Night: 65 dBA.

All yards and terminals associated with railroads, and any student housing facility and accessory uses, shall be considered as industrial areas for the purposes of noise control.

The levels specified in this subsection shall be subject to a correctional factor of minus 5 dBA for noises of an impulsive, periodic or beating nature.

(Code 1966, § 10A-33; Ord. No. 5193, § 1, 1-24-12)

Sec. 10-73. - Motor vehicles generally.

No person shall sell or offer for sale a new motor vehicle that produces a maximum noise level exceeding the following limit at a distance of 50 feet from the centerline of travel under test standards and recommendations as defined by the American National Standards Institute or its successor bodies, or the Society of Automotive Engineers or its successor bodies.

| Type of vehicle: | Noise Limit |
|------------------|-------------|
|------------------|-------------|

(a) Motorcycle:

Manufactured after January 1, 197386 dBA

Manufactured after January 1, 197580 dBA

Manufactured after January 1, 198075 dBA

(b) Passenger cars, motor-driven cycles or any other vehicle under 8,000 pounds:

Manufactured after January 1, 197384 dBA

Manufactured after January 1, 197580 dBA

Manufactured after January 1, 198075 dBA

(c) Any motor vehicle with a gross vehicle weight of 8,000 pounds or over:

After January 1, 197386 dBA

After January 1, 197580 dBA

After January 1, 198075 dBA

The manufacturer, distributor, importer or designated agent shall upon request certify in writing to the city that his vehicles sold within the city comply with the provisions of this section.

(Code 1966, § 10A-34)

Sec. 10-74. - Operation of motor vehicles.

No person shall operate within the city a motor vehicle or combination of vehicles of a type subject to registration at any time or under any conditions of grade, load, acceleration, deceleration in speed in such a manner so as to exceed the following noise level limits for the category of vehicle, based on a distance of not less than 50 feet from the centerline of the travel under test standards and recommendations as defined by the American National Standards Institute, or its successor bodies, or the Society of Automotive Engineers, or its successor bodies.

| | | | Noise Limit | |
|-----------------|---|-----------------------|----------------|----------------|
| Type of Vehicle | | Period of Operation | 35 mph or less | 35 mph or more |
| (a) | Motorcycle | Before 1 January 1975 | 78 dBA | 82 dBA |
| | | After 1 January 1975 | 74 dBA | 78 dBA |
| (b) | Passenger cars, motordriven cycles, or any other motor vehicle under 8,000 pounds or combination of such vehicles | Before 1 January 1975 | 75 dBA | 79 dBA |
| | | After 1 January 1975 | 70 dBA | 74 dBA |
| (c) | Any motor vehicle with a gross weight of 8,000 pounds or more | After 1 January 1973 | 86 dBA | 90 dBA |

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provision of this Code relating to motor vehicle mufflers for noise abatement.

(Code 1966, § 10A-35)

Sec. 10-75. - Idling motors.

It shall be unlawful for any person to operate any motor or a motor vehicle of a weight in excess of 8,000 pounds for a consecutive period of time longer than 2 minutes while such vehicle is standing on private property and located within 150 feet of property zoned and used for residential purposes, except where such vehicles are standing within a completely enclosed structure. Emergency vehicles and public

transportation vehicles shall be exempt from this provision. Delivery vehicles shall be exempt when such a motor is an integral component of the delivery process in question.

(Code 1966, § 10A-36)

Sec. 10-76. - Mufflers.

No person shall modify or change the exhaust muffler, intake muffler or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Such procedures may be used to establish compliance of new motor vehicles with the requirements of this article.

(Code 1966, § 10A-37)

Sec. 10-77. - Boats.

No person shall operate any engine-powered pleasure vessel, engine-powered craft or motor boat on any body of water, lake, canal or waterway within the city in such a manner as to exceed the following noise limit as measured at a distance of not less than 50 feet from the path of travel:

Before 1 January 197583 dBA

After 1 January 197574 dBA

(Code 1966, § 10A-38)

Sec. 10-78. - Power tools.

No person shall sell or lease or offer for sale or lease any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet:

Equipment Type

- (a) Construction and industrial machinery such as crawler-tractors, dozers, rotary drills, and augers, loaders, saws, powered industrial hand tools, powered shovels, cranes, derricks, motor graders, paving machines, off-highway trucks or vehicles, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, pumps, generators, compressors, and pneumatic equipment, but not including pile drivers:

Noise

Limit

Manufactured after 1 January 197388 dBA

Manufactured after 1 January 197586 dBA

Manufactured after 1 January 198080 dBA

- (b) Powered equipment intended for repetitive use in residential areas including but not restricted to lawn mowers, riding tractors and small lawn and garden tools:

Manufactured after 1 January 197374 dBA

Manufactured after 1 January 197570 dBA

Manufactured after 1 January 197865 dBA

The manufacturers, distributors, importers or designated agent shall upon request certify in writing to the city that his products sold or leased within the city comply with the provisions of this section.

(Code 1966, § 10A-39)

Sec. 10-79. - Special permits excepted.

The operational performance standards established by this article shall not apply to any public performance being conducted in accordance with the provisions of a special permit granted by the city for the conduct of a public performance.

(Code 1966, § 10A-40)

Sec. 10-80. - Relief permit.

Applications for a permit for relief from the noise levels designated herein may be made on the basis of hardship to the city manager. A permit granted hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time period during which the permit shall be in effect. Relief may be granted if:

- (a) Additional time is required for the applicant to modify his activity to comply with this article;
- (b) The activity or noise source is of a highly temporary nature and the activity cannot be performed in a manner that will comply with this article;
- (c) No reasonable alternative is available to the applicant.

The city manager may prescribe any condition he deems necessary to minimize any adverse effect upon the community.

(Code 1966, § 10A-41)

Sec. 10-81. - Penalty.

Any person who violates any provision of this article shall upon conviction thereof be subject to the penalty prescribed in section 1-16.

(Code 1966, § 10A-42)

Sec. 10-82. - Motorcycles, trailbikes, minibikes, scooters.

It shall be unlawful and declared a public nuisance to use or operate any motorcycle, trailbike, minibike, scooter or vehicle as defined in F.S. § 316.003 which emits frequent or long continued noise that exceeds 75 decibels from a distance of 50 feet or which disturbs the comfort and repose of any person in the vicinity. This section shall not apply to those vehicles regulated by Florida Statute.

(Code 1966, § 10A-43)

Sec. 10-83. - Certain acts prohibited.

- (1) Because it is inherent in the nature of the following specified acts that excessive and unusually loud noises will be generated, and because such noises are extremely objectionable to the residents of

the city between the hours of 10:00 p.m. and 7:00 a.m., each of the following acts is declared to be a public nuisance when committed after 10:00 p.m. and before 7:00 a.m.:

The coupling or uncoupling of railroad cars.

- (2) It shall be a violation of this section for any person to engage in any of the acts described in this section after 10:00 p.m. or before 7:00 a.m., or to permit an agent or employee to do so.
- (3) The conditions set forth in section 10-71 as prerequisites for violations shall not be applicable to the acts prohibited by this section.
- (4) To the extent that this section may be in conflict with any other provision of this article, this section shall prevail. However, this section shall not be construed to permit any activity otherwise prohibited by another provision of this article.

(Code 1966, § 10A-44)

Sec. 10-84. - Railroad train whistles and horns.

It shall be unlawful and a public nuisance for any person operating a railroad train of a railroad company operating wholly within the state to blow or activate or permit to be blown or activated any horn or whistle from the railroad train after 10:00 p.m. and before 6:00 a.m. on any day, when the railroad train is within the city.

(Code 1966, § 10A-45)

Secs. 10-85—10-100. - Reserved.