





























# THE AUDIO BUG, INC.

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## ARTICLE II. NOISES

1.

### Sec. 15-51. Intent.

It is the intent and purpose of this chapter to regulate uses and activities in the Village of Palmetto Bay in such a manner as to prevent excessive noises which degrade the quality of life, disturb the public peace, and jeopardize the health, safety and welfare of the citizens of Palmetto Bay. It is further the intent of this chapter to recognize that factors such as the time of day, location (e.g. proximity to residences), necessity of public projects for the public good, and necessity of sounds incidental to allowed uses and activities must be considered in balancing the protection of public peace and individual freedoms.

(Ord. No. 04-24, § 1(.01), 12-6-2004)

### Sec. 15-52. Scope.

The rules and regulations given in this chapter shall apply to the control of all sound originating within the geographical limits of the village. It shall be unlawful, except as expressly permitted in this chapter, to make, cause or allow the making of any noise or sound which exceeds the limits set forth.

(Ord. No. 04-24, § 1(.02), 12-6-2004)

### Sec. 15-53. Definitions.

The following words, terms and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this chapter not defined below shall be in conformance with applicable publications and standards of the American National Standards Institute (ANSI) or its successor body, the state and other applicable industry standards.

A weighted sound level is the sound level as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is Db(A). Sounds measured with the "A" weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity.

Agricultural means an area classified by the zoning code as in an AU zoning district.

Ambient sound level means the sound pressure level of the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources, exclusive from the source under investigation. Ambient sound level is often referred to as neighborhood residual sound level or background sound level.

ANSI means the American National Standards Institute.

C weighted sound level is the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is Db(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

Commercial means an area classified by the zoning code as in BU-1, BU-1A, BU-2, BU-3 or OPD zoning districts.



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Continuous sound means any sound with duration of more than one second which remains at a measurable value without interruption.

Decibel (dB) means a unit for measuring the volume of sound; it is a logarithmic (dimensionless) unit of measure used in describing the amplitude of sound. Decibel is denoted as dB.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril which demands immediate action.

Extraneous sound means a sound that is transient in nature and is neither part of the ambient sound, nor comes from the sound source under investigation. Examples of extraneous sounds include automobile horns and brakes, air transport vehicles, people shouting and dogs barking.

Impulsive sound means a sound of short duration, usually less than one second with an abrupt onset and rapid decay or single burst. Impulsive sounds are isolated events such as explosions and the discharge of firearms.

Industrial means an area classified by the zoning code as in an IU-1 zoning district.

Institutional means uses including but not limited to schools, houses of worship, hospitals and nursing homes.

Measurement standards means the standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound as provided for in this section consistent with accepted and sound principles of noise measurement in accord with the standards of the American National Standards Institute or its successor body, the state or other applicable industry standards.

MicroPascal means the international unit for pressure, analogous to pounds per square inch; 1 microPascal is one-millionth of a Pascal; the reference pressure used for airborne sound is 20 microPascals.

Noise control officer (NCO) means the village manager, or person(s) designated by the village manager such as a code compliance or police officer.

Noise disturbance means any sound which (a) endangers or injures the safety or health of humans or animals, (b) disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

Noise sensitive zone means an area where certain types of facilities whose operations may be detrimentally impacted by excessive sound levels are located. Noise sensitive facilities include but are not limited to schools, houses of worship, courts, hospitals, nursing homes, assisted living facilities, outpatient medical facilities and day care facilities.

Person means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

Plainly audible means any sound that can be heard by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.

Public facilities means governmental uses including but not limited to parks, community centers, recreational centers, court facilities and other such public facilities.



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Real property line means an imaginary line along the surface and its vertical plane extension that separates one parcel of real property owned, rented, or leased by one person from that owned, rented, or leased by another person.

Residential means an area classified by the zoning code as in RU-1, RU-2, RU-3M, RU-4L, RU-4A, RU-5, RU-5A, EU-M, EU-S, EU-1, EU-1C, EU-2 or PAD zoning districts.

Sound level means the reading in decibels of a weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1983, or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument that is used to measure sound pressure levels and conforms to ANSI S1.4-1983 or its successors.

Sound pressure level (SPL) means ten times the logarithm to the base ten of the ratio of the time-mean-square pressure of a sound of the reference pressure of 20 microPascals (in air) with the units of decibels.

Steady pure tone means any sound which can be distinctly heard as a single pitch or a set of pitches.

Total sound level means that measured level which represents the summation of the sounds from the sound source under investigation and the ambient sounds which affect a given place at a given time, exclusive of extraneous sound sources.

Village recognized holidays means New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Friday after Thanksgiving Day and Christmas Day.

(Ord. No. 04-24, § 1(.03), 12-6-2004)



## Sec. 15-54. Maximum permissible sound.

### (a) Continuous sound.

(1) No person shall cause, suffer, allow, or permit the operation of any source of sound in such a manner as to create a sound level that exceeds the sound level limits listed in Table 1 when measured at, across or within the real property line of the receiving property land use designation. Sound pressure levels in excess of those established in Table 1 would constitute a noise disturbance and be in violation of this Code.

Table 1  
Permissible Sound Level Limits (dBA)  
By Receiving Property Category

#### TABLE INSET:

Receiving Property Designation	Time	Sound Level Limit (dBA)
Residential Noise-Sensitive Zones	7:00 am to 11:00 pm	65
	11:00 pm to 7:00 am	60
Public Facilities & Institutional	7:00 am to 11:00 pm	65
	11:00 pm to 7:00 am	60
Commercial	7:00 am to 11:00 pm	70
	11:00 pm to 7:00 am	65
Agricultural	7:00 am to 11:00 pm	70
	11:00 pm to 7:00 am	65
Industrial	7:00 am to 11:00 pm	75
	11:00 pm to 7:00 am	75

(2) These limits may not be exceeded by any single incident representing the normal, usual operation of the sound source, during any three sampling intervals, the duration of which shall be no less than one-half minute, within any one-hour period.

### (b) Impulsive sound.

(1) Between the hours of 7:00 a.m. and 11:00 p.m., impulsive sounds which occur less than ten times in an hour shall not equal or exceed ten decibels above the permissible sound level limits in Table 1. Impulsive sound that repeats 10 or more times in any hour shall not exceed the permissible sound level limits in Table 1.

(2) Between the hours of 11:00 p.m. and 7:00 a.m., impulsive sounds which occur less than four times in an hour shall not equal or exceed ten decibels above the permissible sound level limits in Table 1. Impulsive sound that repeats four or more times in any hour shall not exceed the permissible sound level limits in Table 1.

(c) Steady pure tones. If the sound source under investigation is a mechanical device, and is in the investigating officer's opinion emitting a sound with a steady tonal quality, the permissible sound level limits in Table 1 shall be reduced by ten dBA. The sound emissions must be comprised of a single frequency or a narrow cluster of frequencies, which may

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be referred to as a whine, hum or buzz. The measured sound levels of such a source must not fluctuate by more than plus or minus three dB. Such sound sources include, but are not limited to, heating, ventilating or air-conditioning units, refrigeration units and transformers.

(d) Fixed amplified sound reproduction devices. If the source of sound is an amplified sound reproduction device on private property, and the complainant states that the rhythmic bass component of the music is disturbing within their dwelling, then the NCO may take sound level measurements within the dwelling of the complainant. No person shall cause, suffer, allow or permit the operation of any amplified source of sound in such a manner that it raises the total sound levels by the permissible sound level limits set forth in Table 1 when measured within the residence of a complainant. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response. Such measurements shall not be taken in areas that receive only casual use, such as hallways, closets and bathrooms. For the purposes of these measurements, the ambient sound level is that sound level which is measured in the residence when the sound source under investigation is not prominent, or in a room on the same floor that is relatively unaffected by the sound source under investigation. The "C" scale is more sensitive to low frequency sound levels than the "A" scale; an increase of three dB is perceived by humans as being plainly audible, an increase of five dB is plainly louder, and an increase of 10 dB is perceived as being twice as loud.

## (e) Mobile amplified sound reproduction devices.

(1) Personal or commercial vehicular music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7:00 a.m. and 11:00 p.m.

(2) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a distance of 25 feet between the hours of 11:00 p.m. and 7:00 a.m.

(3) Self-contained, portable, hand-held music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible to a distance of 50 feet in any direction from the operator between the hours of 7:00 a.m. and 11:00 p.m. Between the hours of 11:00 p.m. and 7:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.

(Ord. No. 04-24, § 1(.04), 12-6-2004)

## Sec. 15-55. Specific prohibitions against different types of noises.

In addition to the general prohibitions set out above and the maximum permissible sound levels set out in Table 1, and unless otherwise exempted by this article or by act of the village, the following specific acts, or the causing or permitting thereof, are hereby declared to be in violation of this chapter:

(1) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, audio player (compact disk, cassette, computer), drum, musical instrument or similar device which produces or reproduces sound:

a. Between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to create excessive and unnecessary noise across a residential real property line or within a noise-sensitive area.

b. In such a manner as to exceed the levels set forth for the respective property designations set forth in Table 1.

c. As to create a noise disturbance.



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(2) Loudspeakers. Using or operating for any purpose any loudspeaker, loudspeaker system or similar device between the hours of 11:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 9:00 a.m. on weekends and village recognized holidays in areas within or adjacent to residential, commercial or institutional areas, except for any noncommercial public speaking, public assembly or other activity for which a special permit has been issued by the village.

(3) Street sales. Offering for sale, selling anything or advertising by shouting or outcry within any residential or commercial area or noise-sensitive zone of the village except by special permit issued by the village.

(4) Loading, unloading, opening boxes. Creating loud and excessive noise to amount to noise disturbance in a residential area in connection with loading or unloading any vehicle with the opening and destruction of bails, boxes, crates, and containers between the hours of 11:00 p.m. and 7:00 a.m.

(5) Animals. Owning, possessing or harboring any animal or bird which, frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise-sensitive zone, excluding public zoos or private animal attractions operated for profit to which the public has general admission and that are regulated by the village. For the purposes of this regulation, "barking dog" is defined as a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of 20 minutes or barks intermittently for one hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated in or upon private property; however, a dog shall not be deemed a "barking dog" for the purposes of this regulation if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

(6) Construction and demolition. Operating or causing the operation of any tools used in construction, drilling, repair, alteration or demolition work between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between 7:00 p.m. and 9:00 a.m. on weekends or village recognized holidays in or within 50 yards of any residential area or noise-sensitive zone, except for emergency work by public service utilities or by special permit approved by the village. This section shall not apply to the use of domestic power tools as specified in subsection (11), below.

(7) Refuse operators. The collection of garbage, trash or recyclables by any refuse operator between the hours of 7:00 p.m. and 7:00 a.m.

(8) Powered model vehicles or model airplanes. Operating or permitting the operation of powered model vehicles:

a. Between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 9:00 a.m. on weekends or village recognized holidays in or within 100 feet of any residential area or noise-sensitive zone.

b. In such a manner as to exceed the levels set for public space land use, measured at a distance of not closer than 100 feet from any point on the path of a vehicle operating on a public space of public right-of-way.

(9) Emergency signaling devices. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, fire, whistle or similar stationary emergency signaling device, except for emergency, shall not occur before 7:00 a.m. or after 7:00 p.m., and any testing shall use the minimum cycle test time appropriate for such devices, in no case to exceed 60 seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur for more than once in each calendar month unless additional testing is permitted by special permit. Such testing shall occur only on weekdays and not before 7:00 a.m. or after 11:00 p.m. and shall be exempt from the time limit specified herein. The sounding or permitting the

