

ARTICLE II. EXCESSIVE NOISE¹

Sec. 14-21. Application.

This article shall apply to all properties in the city, unless a city council policy, ordinance, or an agreement approved by the city council is developed to apply sound requirements to specifically described property.

(Ord. No. 2016-2091, § 2, 11-15-2016)

Sec. 14-22. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-Weighted sound level means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network as described in ANSI S1.4-1983 issued by the American National Standards Institute, or such other subsequently enacted standard intended to replace said standard. The unit of measurement is the dB(A).

C-Weighted sound level means the sound pressure level in decibels as measured with a sound level meter using the C-weighting network as described in ANSI S1.4-1983 issued by the American National Standards Institute, or such other subsequently enacted standard intended to replace said standard. The unit of measurement is the dB(C).

Decibel (dB) means a unit for measuring the amplitude of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Non-residential property means any property which is not Residential Property.

Residential property means property which satisfies all of the following criteria: (a) the property contains habitually occupied sleeping quarters, and (b) the property is located in any zoning district which allows dwelling units, as provided in the Land Development Code.

Sound means a physical disturbance causing an oscillation in pressure in a medium, such as air, that is capable of being detected by the human ear or a sound measuring instrument.

Sound level means the weighted sound pressure level as measured in dB(A) or dB(C) by a sound level meter.

Sound level meter means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels.

(Ord. No. 2016-2091, § 2, 11-15-2016)

¹Editor's note(s)—Ord. No. 2016-2091, §§ 1, 2, adopted Nov. 15, 2016, amended art. II in its entirety to read as herein set out. Former art. II, §§ 14-21—14-25, pertained to similar subject matter, and derived from Ord. No. 1319, §§ 1—5, 6-15-93; Ord. No. 1546, §§ VIII, XIX, 11-21-2000; Ord. No. 1664, § I, 8-21-2001; Ord. No. 1675, § I, 2-19-2002; Ord. No. 1968, § 4, 9-20-2011.

Sec. 14-23. Maximum permissible sound.

- (a) *Measurable sound.* No person shall permit, cause, allow, create, or sustain the operation of any source of sound in a manner as to create a sound level emanating from any property that exceeds the sound limits listed in Table 1 for the type of property which is the source of the sound.

Table 1	
Times	Sound Limits
Residential Property	
7:00 a.m. through 10:00 p.m.	55 dB(A) or 65 dB(C)
10:01 p.m. through 6:59 a.m.	50 dB(A) or 60 dB(C)
Non-Residential	
7:00 a.m. through 11:00 p.m.	70dB (A) or 85dB(C)
11:01 p.m. through 6:59 a.m.	55dB (A) or 65dB(C)

- (b) Sound level measurements.
- (1) Outdoor sound level measurements shall be taken from any public or private property adjacent to the property from which the sound being measured reasonably emanates.
 - (2) The measurement of sound shall be made with a sound level meter which complies with the standards for a Type 2 sound level meter in accordance with ANSI S1.4-1983 issued by the American National Standards Institute, or such subsequently enacted standard intended to replace said standard. The slow response setting of the sound level meter shall be utilized for the measurement.
- (c) *Plainly audible sound.* No person shall permit, cause, allow, create, or sustain the operation of any source of sound in a manner as to create a sound level plainly audible from any property at a distance of 100 feet from the property line of the property which is the source of the sound between the hours of 11:00 p.m. and 7:00 a.m., notwithstanding whether said sound exceeds the sound levels set forth in subsection (a) hereof. The exemptions provided by sections 14-24(3) and (4) shall not apply to violations under this subsection (c).
- (d) *Vehicle sound.* No person shall permit, cause, allow, create, or sustain the operation of any source of sound in a manner as to create a sound from any sound amplifying equipment located on or within any motor vehicle plainly audible from a distance of 100 feet. The exemption provided by section 14-24(l) shall not apply to violations under this subsection (d).
- (e) *Plainly audible sound on public property.* No person shall permit, cause, allow, create, or sustain the operation of any source of sound from any public property owned or controlled by the City of New Port Richey or any other governmental entity, including without limitation streets, sidewalks, rights-of-way, easements or parks, in a manner as to create a sound level plainly audible at a distance of 100 feet from the source of said sound at any time, notwithstanding whether said sound exceeds the sound levels set forth in subsection (a) hereof. The exemptions provided by sections 14-24 (3) and (4) shall not apply to violations under this subsection (e).

(Ord. No. 2016-2091, § 2, 11-15-2016; Ord. No. 2017-2108, § 1, 3-7-2017; Ord. No. 2017-2115, § 1, 6-6-2017)

Sec. 14-24. Exemptions.

The following shall be exempt from the sound level limits contained in section 14-23 of this article:

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- (1) Yard and building maintenance machinery, equipment and tools operated between 7:00 a.m. and 7:00 p.m. when operated with all manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition;
 - (2) Construction operations between 7:00 a.m. and 7:00 p.m. Monday through Saturday, and between 10:00 a.m. and 7:00 p.m. on Sunday, for which building permits have been issued, or for construction operations not requiring permits due to the scope of work or ownership of the project; provided all equipment used in the construction operations is operated in accordance with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition;
 - (3) Non-amplified human voices;
 - (4) Non-amplified sounds emanating from lawful public assembly or public speaking;
 - (5) Authorized emergency vehicles when responding to an emergency call or acting in time of emergency;
 - (6) Safety signals, warning devices, and emergency pressure relief valves;
 - (7) Electrical or mechanical equipment in proper operating condition, installed and designed for the type of property or use upon which it is placed, providing air conditioning, heat, ventilation, plumbing or electrical service to the property on which it is placed;
 - (8) Emergency generators used only during a loss of electrical power for any cause other than non-payment of utility services or failure to obtain or connect to available electrical service;
 - (9) Electrical or mechanical equipment or devices, including compressors, generators, reciprocating engines, air handlers, and HVAC units, installed on or in buildings or facilities, leased, owned or operated by governmental entities including the City of New Port Richey, Pasco County, the Pasco County School District, and the State of Florida;
 - (10) Aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instructions;
 - (11) Operations of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations;
 - (12) Operation of motor vehicles to the extent regulated by Section 316.293 Florida Statutes;
 - (13) Sounds authorized and emanating from activities specifically permitted as a part of permitted sporting events; permitted fireworks displays; permitted parades; permitted events on public property, including public rights-of-way; or other activities or events specifically permitted by the City of New Port Richey, however nothing contained herein shall be deemed to exempt sounds created or caused by members of the public or other invitees in attendance at any such events;
 - (14) Sanitation operations including the unloading, emptying or collection of any waste or recycling container;
 - (15) Sounds emanating from vehicles or equipment owned or operated by governmental entities including the City of New Port Richey, Pasco County, the Pasco County School District, the State of Florida, or their designees, when such vehicles or equipment are engaged in emergency operations, including operations during or following storms, accidents, or other catastrophes; and
 - (16) Sounds emanating from vehicles or equipment owned or operated by governmental entities including the City of New Port Richey, Pasco County, the Pasco County School District, the State of Florida, or their designees, when such vehicles or equipment are engaged in construction operations.

(Ord. No. 2016-2091, § 2, 11-15-2016; Ord. No. 2017-2115, § 2, 6-6-2017)

Sec. 14-25. Enforcement.

- (a) Any New Port Richey Police Department Officer or code enforcement officer may issue citations for violation of this article. Such officer shall attempt to locate and issue a citation to the person causing the sound in violation hereof, or the owner, operator, tenant or occupant of the property from which the sound constituting a violation emanates. If the sound is voluntarily abated to sound levels allowed under this article within ten (10) minutes of the issuance of a verbal warning by the officer, and no prior warnings or citations for violations of this article have been issued to the same person, or concerning the same property, within the preceding twelve (12) month period, no citation shall be issued for said violation. No verbal warning shall be required in any case where the officer is unable for any reason to reasonably access the property, or to reasonably locate the person causing the sound in violation hereof, or the owner, operator, tenant or occupant of the property from which the sound constituting a violation emanates. If an officer is unable to reasonably identify the person causing the sound in violation of this article, but is able to determine the property from which said sound emanates, there is a rebuttable presumption that the sound was caused by the owner of the property, who shall be issued a citation for violation of this article.
- (b) The first violation of this article by any person shall be a class III violation in accordance with the then-existing administrative order pertaining to local ordinance violations in Pasco County, Florida. For each subsequent violation by the same person within the preceding twelve (12) month period, the fine class shall increase by one (1) level. For purposes of this article, any sound that is measured in violation of this article two (2) times at least fifteen (15) minutes apart, even if abated in between measurements, shall be deemed a separate violation.
- (c) Nothing contained herein shall prohibit enforcement of this article by other means, including action in a court of competent jurisdiction for injunctive or other equitable relief. A violation of this article shall be deemed a public nuisance, subject to abatement under law. In any legal action initiated by the city to enforce this article, the court shall award the city its reasonable attorneys' fees and court costs incurred in said action.

(Ord. No. 2016-2091, § 2, 11-15-2016)