

ORDINANCE NO. 2017-2108

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE AMENDMENT OF SECTION 14-23 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO MAXIMUM PERMISSABLE SOUND; PROHIBITING NOISE PLAINLY AUDIBLE FROM A DISTANCE OF 100 FEET AND EMINATING FROM VEHICLES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, excessive noise within the City limits of the City of New Port Richey, Florida is a recurring condition which has resulted in excessive noise complaints increasing in the City;

WHEREAS, excessive noise is a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, the New Port Richey Police Department conducted a sound study to collect data on noise levels at various locations throughout the City to assess the decibel level of sounds which were the subject of complaints;

WHEREAS, the City has compiled data from excessive noise complaints made to the New Port Richey Police Department;

WHEREAS, the City's current sound regulations do not address low frequency noises or noises emanating from vehicles which cannot be detected by a decibel meter, but are a nuisance to surrounding properties within the City; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA
HEREBY ORDAINS:**

Section 1. Section 14-23 of the Code of Ordinances, pertaining to maximum permissible sound, is hereby amended as follows (strikeout text is deleted and underlined text is added):

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

Residential Property

Times	Sound Limits
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 10:00 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(c) and (d) 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).

Section 2. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 3. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2017, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2017.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND RELIANCE OF THE
CITY OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney