

Chapter 16 PROPERTY STANDARDS AND NUISANCES¹

ARTICLE I. IN GENERAL

Sec. 16-1. Unnecessary and excessive noises.

- (a) *Prohibited.* It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.
 - (2) *Radios, televisions, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m., except on July 4, December 24 and December 31, in which case, 11:00 p.m. shall be extended to 12:00 a.m. of July 5, December 25 and January 1, respectively, of each year, in such manner as to be plainly audible at a distance of 100 feet from the building, structure, vehicle or person where the sound is originating shall be prima facie evidence of a violation of this section.
 - (3) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of 100 feet from the building, structure or yard in which the dog, animal or bird is located.
 - (4) *Whistles.* The blowing of any locomotive whistle or 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 the proper municipal or County authorities.
 - (5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom.
 - (6) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.

¹Editor's note(s)—Ord. No. 18-226, § 2, adopted June 5, 2018, amended ch. 16 to read as set out herein. Previously ch. 16 was titled "Nuisances."

State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; public nuisances, F.S. ch. 823.

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- (7) *Noises near schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.
 - (8) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
 - (9) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.
 - (10) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this town for any purpose of any device known as a sound truck, loudspeaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned. It is provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker type devices in political campaigns.
 - (11) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools which are used to maintain or at a residence out-of-doors between 8:00 p.m. and 7:00 a.m. Monday through Friday and 8:00 p.m. to 9:00 a.m. on Saturday and Sunday.
 - (12) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.
 - (13) *Construction.* The performance of construction work within 100 feet of a residential zoning district between 8:00 p.m. and 7:00 a.m. Monday through Friday, 8:00 p.m. to 9:00 a.m. on Saturday and anytime on Sunday. Construction work shall include any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action on public or private rights-of-way, structures, utilities or property.
 - (14) *Commercial maintenance equipment.* The use of commercial maintenance equipment within 100 feet of a residential zoning district between 8:00 p.m. and 7:00 a.m. Monday through Friday and 8:00 p.m. to 9:00 a.m. on Saturday and Sunday, except for emergencies requiring immediate assistance.
- (b) *Exemptions.* Notwithstanding the provisions of Subsection (a) of this section, the following exemptions shall apply:
- (1) Any vehicle belonging to the Town, the County or the State, or any other licensed public utility vehicle within the Town while engaged in necessary public business.
 - (2) Excavation or repairs of streets, highways, bridges, street lights or utilities, by or on behalf of the Town, the County or the State, during the night if the public welfare and convenience renders it impossible to perform such work during the day and the prior written approval of the Town Manager has been obtained.
 - (3) The construction or performance of public improvement projects of the Town.
 - (4) Construction during weekends for emergency or unusual special circumstances only with the prior written consent of the Building Official indicating permitted dates and times. Work authorized by the Building Official pursuant to this subsection shall be conditioned upon notice to surrounding property owners and tenants. Such permits may be granted for a period of time not to exceed three days.

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- (5) Any special event or activity for which a permit has been obtained from the Town, pursuant to Subsection (c) of this section, within such hours and in accordance with such restrictions as may be imposed as conditions to the issuance of that permit.
- (c) *Special permits.* Upon written application to the Town Manager or his designee submitted a minimum of ten days prior to an event at which noise levels are expected to violate this section, the prohibitions or hour restrictions contained herein may be modified subject to such conditions as the Town Manager may impose as part of a special event permit pursuant to Section 13-1616.5. The special event permit shall specify from what provisions of this section the event is exempted, as well as the day(s), time(s) and duration of such exemption. The decision of the Town Manager shall be final and not subject to appeal.
- (d) *Enforcement.* A violation of this section or any resolution adopted pursuant to the ordinance from which this section is derived may be enforced pursuant to Section 8-10 and by issuance of a uniform civil violation notice, citation, summons or, notice to appear in county court, or by filing an action in civil court for injunctive relief. This section is supplemental and nothing contained herein shall prohibit the Town from enforcing this section by any other lawful means.
- (Ord. No. 04-50, § 2(21-28), 6-8-2004; Ord. No. 09-119, § 2, 12-8-2009; Ord. No. 13-159, § 2, 7-9-2013)