

CHAPTER 100: NOISE

Section

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Editor's note:

This chapter supersedes prior legislation concerning noise control. The legislative history of those superseded provisions is as follows:

Former

Code § History

100.01 '72 Code § 21-48; Am. Ord. 1207, passed - -

100.02 '72 Code § 21-49; Am. Ord. O-1642, passed - - ; Am. Ord. O-79-67, passed 12-19-79; Am. Ord. O-89-43, passed 7-19-89; Am. Ord. O-91-37, passed 6-19-91; Am. Ord. O-94-19, passed 6-1-94; Am. Ord. O-95-08, passed 2-15-95

100.03 '72 Code § 21-50; Am. Ord. O-89-443, passed 7-19-89; Am. Ord. O-91-37, passed 6-19-91; Am. Ord. O-92-64, passed 12-2-92

100.04 '72 Code § 21-51; Am. Ord. O-89-43, passed 7-19-89

100.05 '72 Code §§ 21-52 and 21-53; Am. Ord. 462, passed - - ; Am. Ord. 1207, passed - - ; Am. Ord. O-73-62, passed 7-25-73; Am. Ord. O-89-43, passed 7-19-89

100.06 '72 Code § 21-54; Am. Ord. 462, passed - - ; Am. Ord. 1207, passed - - ; Am. Ord. O-89-43, passed 7-19-89

100.99 '72 Code § 21-55; Am. Ord. 462, passed - - ; Am. Ord. O-88-14, passed 4-6-88; Am. Ord. O-89-43, passed 7-19-89; Am. Ord. O-91-79, passed 11-6-92

§ 100.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMPLIFIED SOUND. Sound augmented by any electronic means which increases the sound level or volume.

BUSINESS ESTABLISHMENT. Any commercial establishment, including but not limited to any establishment required to obtain an entertainment permit and/or license, food and/or beverage license, service of alcoholic beverages in conjunction with amplified sound permit or license and/or an extended hours license.

COMPLAINT. A specific request for investigation of a suspected violation of this chapter. The complaint may include but is not limited to the following:

- (1) The name, address and telephone number of the complainant.
- (2) The approximate date and time when the violation occurred.
- (3) A brief statement outlining the nature of the violation.
- (4) Any indication whether the complainant requested the violator(s) to desist.
- (5) If known, the name, address and location where the violation is occurring or has occurred.

COMPLAINANT. Any owner, lessee, manager or person with a legal interest in a receiving property who reports being disturbed by sound heard inside of a residence or place of business upon the receiving property and not originating therefrom.

ENFORCEMENT OFFICER. Any Code Enforcement Officer or law enforcement officer.

PERSON. Any individual, corporation, partnership, association or other legal entity or any agent or employee thereof.

PLAINLY AUDIBLE. Able to be clearly heard by a person of normal sensibilities using only unaided auditory senses. **PLAINLY AUDIBLE** shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music, the detection of a rhythmic base reverberating type sound, beat or cadence shall be deemed **PLAINLY AUDIBLE**.

PROPERTY LINE. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned or possessed by a person from that owned or possessed by another person, but not including intra-building real property divisions.

RECEIVING PROPERTY. Any residence or place of business into which sound, not originating therefrom, is traveling.

RESIDENCE. Any occupied room or rooms connected together containing sleeping facilities, including but not limited to single and multiple family homes, townhomes, apartments, condominium units, hotel and motel rooms.

SOUND SOURCE. The place from which sound emanates, including without limitation, a speaker, loud speaker, or other sound producing instrument or person.

UNREASONABLY LOUD. Uninvited noise shall be deemed **UNREASONABLY LOUD** if it is plainly audible inside of a receiving property across a property line and causes actual interference with a person's peaceful enjoyment of a residence or the peace and tranquility of the surrounding neighborhood.

UNINVITED NOISE. Noise not originating on the receiving property.

(Ord. O-95-35, passed 7-5-95)

§ 100.02 UNREASONABLY LOUD NOISE PROHIBITED.

It shall be unlawful for any person or business to cause or permit to originate from the real property he, she or it controls, any sound which crosses a property line at a volume which is unreasonably loud.

(Ord. O-95-35, passed 7-5-95)

§ 100.03 RESPONSIBILITY FOR COMPLIANCE.

For purposes of §§ 100.02 through 100.04, any person(s) owning or having responsibility for management of a business premise, however temporarily, any performer or disc jockey producing sound upon any business premises, any person playing music, any person having control of volume knobs or levels, and the business as named on the occupational license, shall be responsible for compliance and shall be responsible for any violations of this chapter.

(Ord. O-95-35, passed 7-5-95)

§ 100.04 ADDITIONAL SOUND LIMITATION FOR PUBLIC PROPERTY.

No person shall on any public street or sidewalk, park, beach or other public property, or in any motor vehicle located on any public street or property, use, operate or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other audio device which produces or reproduces amplified sound, at a level which is unreasonably loud at a distance more than 30 feet from the sound source.

(Ord. O-95-35, passed 7-5-95)

§ 100.05 ADDITIONAL LIMITATION FOR CONSTRUCTION ACTIVITY.

The construction, alteration, repair, excavation, or demolition of any building or structure is to be conducted no earlier than 7:00 a.m. and no later than 6:00 p.m., Monday through Friday. Such work on Saturdays is to be conducted no earlier than 8:00 a.m. and no later than 6:00 p.m. No such work is to be conducted on Sundays. All such work is to be conducted in the described hours and only after obtaining all appropriate permits and approvals from the City of Hollywood and all other applicable agencies. Should an urgent necessity or emergency condition that requires such work to be conducted outside these hours or on Sunday arise, a request to do so shall be provided in writing to the City's Chief Building Official. No such construction work may proceed outside the above described time limitations without the previous written approval of the City of Hollywood.

(Ord. O-97-07, passed 3-26-97)

§ 100.06 TEMPORARY PERMITS AND SPECIAL EVENTS.

The Director of Development Administration or his/her designee is hereby authorized to issue a temporary permit to allow noise prohibited by §§ 100.02 and 100.04 when produced by temporary use or activity which does not significantly endanger the health, safety and domestic tranquility of the surrounding neighborhood. The Director of Development Administration or his/her designee may prescribe any conditions reasonably necessary to minimize any adverse impact upon the affected neighborhood. A permit granted hereunder shall contain all conditions upon which the permit has been granted including the period of

time for which the permit has been granted. Such departures may be granted in the following situations:

(A) Compliance in progress. When an applicant is making best efforts to comply with the noise restriction in this chapter, but additional time is required for the applicant to modify the activity to comply and no reasonable alternative is available to the applicant. Such temporary permits may be granted for a period of time not to exceed ten days.

(B) Construction. When construction activities pursuant to a valid building permit cannot be accomplished in a manner which would comply with §§ 100.02 and 100.04; provided that all equipment shall be operated in accordance with manufacturer's specifications, the equipment shall be in good repair and the permittee shall utilize all available noise baffling methods as specified by the manufacturer. Such permits may be granted for a period of time not to exceed three days unless otherwise authorized by the Director of Development Administration or his/her designee.

(C) Special events. When the applicant seeks to hold an activity or special event and has previously met all of the city's requirements for obtaining such permit as set forth in the City of Hollywood Municipal Code and the activity or special event cannot be performed or accomplished in a manner which would comply with §§ 100.02 and 100.04 of this chapter. Such permits may be issued for a period of time not to exceed three days. No more than three temporary permits for the conduct of special events which violate the prohibitions in §§ 100.02 and 100.04 of this chapter shall be issued for a particular location on private property within any 12 month period. This section shall also apply to private entities leasing City-owned property within the City of Hollywood.

(D) Failure to comply. Failure to comply with any condition of a temporary permit issued pursuant to § 100.06 shall constitute a violation and shall result in enforcement procedures and penalties as set forth in §§ 100.09 and 100.10 herein.

(E) Permit denied. A temporary permit application may be denied if the Director of Development Administration or his/her designee finds that the proposed activity or special event will result in a private or public nuisance on any adjoining or receiving property. A permit may not be denied on the basis of the content of the proposed sound. The Director of Development Administration or his/her designee may also establish temporary permit conditions for a particular time and location as an alternative to the request contained in a temporary permit application, considering factors such as the location of the event, the compatibility of the amplified noise levels generated, and the compatibility of the hours of operation with the surrounding neighborhood and the operation's impact upon the domestic tranquility of the surrounding neighborhood.

(F) Permit appeal. A decision by the Director of Development Administration or his/her designee to deny a temporary permit application shall immediately authorize the aggrieved party to a right of appeal to the City Manager or Assistant City Manager no later than three business days following the denial of the temporary permit application by submitting a written request for appeal to the Office of the City Manager or Assistant City Manager. The City Manager or Assistant City Manager shall confer with the City Attorney and respond to the written request for appeal of the permit denial in a reasonable and timely manner.

(Ord. O-95-35, passed 7-5-95; Am. Ord. O-97-07, passed 3-26-97)

§ 100.07 EXEMPTIONS.

The following activities shall be exempt from the requirements of §§ 100.02 and 100.04 and from the enforcement provisions in this chapter:

(A) Radios, sirens, horns and bells and other sounds created by police, fire and other emergency response vehicles.

(B) Screams for emergency assistance and warning calls.

(C) Fireworks displays, parades, special events and other activities for which a valid permit has been obtained, within such hours and in accordance with such restrictions as may be imposed as conditions for the issuance of a permit.

(D) Noise generated as the result of emergency work or from activities of a temporary duration permitted pursuant to § 100.06 herein.

(E) Noise generated by motor vehicles as defined in F.S. § 320.01, (1995), as may be amended and noise resulting from the operation of vessels when operated in compliance with the limitations set forth in F.S. § 327.65, (1995).

(F) Noise emanating from the unamplified conversations of person(s) on public streets and sidewalks.

(G) Fire alarms and burglar alarms, bells and chimes of churches or other religious institutions; **However,**

false burglary alarms shall be subject to enforcement procedures and penalties as set for in Chapter 93 of the Hollywood Municipal Code.

(H) Locomotives and other railroad equipment and aircraft, to the extent that city regulations are preempted by federal provisions.

(I) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, when such activities have been authorized by the public authority which owns the properties or facilities or their agents; except where such publicly owned properties are under private operation pursuant to a lease or agreement.

(J) Noise in, adjacent to or adjoining residential areas, generated as the result of the operation of sanitation equipment on the barrier island, commonly known as Hollywood Beach, from 8:00 a.m. to 1:00 p.m. daily, or in the remainder of the city, from 7:00 a.m. to 7:00 p.m., Monday through Saturday.

(K) Noise emanating from a business establishment which is providing musical entertainment within permitted hours of operation and is located within a music district designated by City Commission ordinance. (Ord. O-95-35, passed 7-5-95; Am. Ord. O-96-29, passed 7-24-96; Am. Ord. O-97-07, passed 3-26-97; Am. Ord. O-2010-36, passed 10-6-10)

§ 100.08 ENFORCEMENT.

(A) An Enforcement Officer shall investigate complaints regarding violations of this chapter. If compliance is not accomplished, and violation(s) of this chapter are subsequently witnessed by an Enforcement Officer, violation(s) may be enforced as provided by law.

(B) The Notice of Violation may include the date and time of the violation, the nature of the violation, the name of the violator(s) notice informing the violator(s) that violation(s) may result in the imposition of liens, City Commission denial of any applicable extended hours license pursuant to § 113.26, City of Hollywood Code of Ordinances and/or injunctive proceedings as provided by law and that repeat violation(s) may result in the imposition of larger fines.

(Ord. O-95-35, passed 7-5-95; Am. Ord. O-97-07, passed 3-26-97)

§ 100.09 ENFORCEMENT AND PENALTIES.

(A) Anyone found in violation of this chapter may be subject to the penalties specified in the Hollywood Municipal Code.

(B) As an alternative or additional means of enforcement, in order to maintain the peace and domestic tranquility of the surrounding neighborhood, the city may deny any applicable extended hours license pursuant to § 113.26, City of Hollywood Code of Ordinances or seek injunctive relief as set forth by law in cases of recurring violations of this chapter. A violation shall be considered "recurring" when a person or entity has received three notices of violation within any 60 day period.

(Ord. O-95-35, passed 7-5-95; Am. Ord. O-97-07, passed 3-26-97)

§ 100.10 NUISANCE.

Any violation of this sound control chapter shall constitute a nuisance. The City Attorney may bring suit on behalf of the city against the person or persons responsible for compliance as set forth in § 100.03 of this chapter who are causing, maintaining or permitting violations of this chapter. Relief may be granted according to the terms and conditions of F.S. § 60.05, entitled "Abatement of Nuisances," or pursuant to § 100.09 of this chapter. In any such action, the city, if the prevailing party, shall be awarded costs, including reasonable attorney's fees.

(Ord. O-95-35, passed 7-5-95; Am. Ord. O-97-07, passed 3-26-97)