

ORDINANCE NO. 9790-24

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO THE REGULATION OF NOISE; AMENDING COMMUNITY DEVELOPMENT CODE ARTICLE 3. – DEVELOPMENT STANDARDS, DIVISION 15. – PROPERTY MAINTENANCE STANDARDS, SECTION 3-1508. - NOISE; AMENDING THE DEFINITIONS OF NOISE AND PUBLIC NUISANCES, AMENDING PERSONS RESPONSIBLE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Unreasonably excessive noise interferes with the quality of life and the health, safety and general welfare of the public while regulation of noise is the purpose of this ordinance it is not meant to interfere with or unduly burden the exercise of a person's freedom of speech, expression or religion; and

WHEREAS, Section 3-1508- Noise was last amended on August 7, 2014. Since the last amendment, growth and development within the city has caused a need to amend the ordinance to adhere with the current public needs regarding noise regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA;

Section 1: Sec. 3-1508, Clearwater Community Development Code is hereby amended to read as follows:

Section 3-1508. - Noise.

- A. *Prohibited generally.* It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise that through unaided, ordinary auditory senses can be heard upon the public streets, sidewalks, or rights-of-way, in any public park, in any school or public building, in any church or hospital, or in any occupied dwelling and that can be heard at a distance of 100 feet or more from the source of the noise, measured in a straight line from the radio, loudspeaker, motor, horn, or other noise source. The term "loud and raucous noise" shall mean any sound which because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city. The term includes, but is not limited to, the kinds of loud and raucous noise generated by the activities enumerated in subsection B. when the loud and raucous noise through unaided, ordinary auditory senses can be heard at a distance of 100 feet or more from the source of the noise, measured in a straight line from the radio, loudspeaker, motor, horn, or other noise source, but not including activities enumerated in subsection D. of this section. It is the intent of this section to regulate unreasonably excessive noise and not to interfere with or unduly burden the exercise of a person's freedom of speech, expression, or religion.
- B. *The following noises, as limited by Section 3-1508.A, are declared to be public nuisances in violation of this section:*

1. *Engine exhaust.* The discharge into the open air of the exhaust of any ~~steam engine or~~ stationary internal combustion engine except through a muffler or other device that will effectively prevent loud and raucous noises therefrom.
2. *Pile drivers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. on any day or at any time on Sunday, of any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist or other heavy equipment so as to create a loud and raucous noise.
3. *Blowers, etc.* The operation of any blower or power fan or any internal combustion engine, ~~unless the noise from such blower, fan or engine is equipped with a muffler device sufficient to prevent~~ between the hours of 6PM and 7AM on any day so as to create a loud and raucous noise.
4. *Horns, signaling devices, etc.* The repeated sounding of any horn, whistle or other audible signaling device so as to create a loud and raucous noise.
5. *Radios, amplifiers, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio, amplifier, musical instrument, phonograph, music player, or other device for the producing or reproducing of sound such that the speech or music, including a rumbling or reverberating rhythmic bass type sound, emitted by the device creates a loud and raucous noise.
6. *Sound trucks.* No amplifier or loudspeaker in, upon or attached to a truck or other device for amplifying sound shall be operated or permitted to operate within the city such that speech or music emitted by the device is identifiable in terms of words or melody so as to create a loud and raucous noise.
7. *Yelling, shouting, etc.* Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise between the hours of 10:00 p.m. and 7:00 a.m. on any day.
8. *Animals, birds, etc.* The keeping of any animal or bird which habitually makes a loud and raucous noise.
9. *Defect in vehicle or load.* The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other noise or disturbance which is not equipped with a muffler so as to prevent a loud and raucous noise.
10. *Construction or repairing of buildings.* The erection including excavation, demolition, alteration or repair of any building so as to create a loud and raucous noise other than between the hours of 7:00 a.m. and 6:00 p.m. on any day or at any time on Sunday, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the building official, which permit may be granted for a period not to exceed three working days or less while the emergency continues and which permit may be renewed for successive periods of three days or less while the emergency continues. If the building official should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. or on Sunday, the building official may grant permission for such work to be done within such hours or

within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.

11. *Commercial deliveries on property adjacent to residential property.* Deliveries of goods and materials to commercial property adjacent to residentially zoned property other than between the hours of 7:00 a.m. and 9:00 p.m. so as to create a loud and raucous noise.
 12. *Property maintenance equipment.* The use of property maintenance equipment on any property adjacent to residentially zoned property other than between the hours of 7:00 a.m. and 9:00 p.m. so as to create a loud and raucous noise.
 13. *Noises heard within schools, public buildings, churches, hospitals.* The creation of any loud and raucous noise which when heard in a school, public building, church or hospital, or the grounds thereof, interferes with the workings of such institution, or which disturbs or annoys patients in the hospital.
 14. *Noises to attract attention.* The use of any drum or other instrument or device to attract attention that creates a loud and raucous noise.
- C. *Persons responsible.* Any person, owner, agent or ~~supervisor~~ entity in charge of operating, ordering, directing or allowing the operation or maintenance of a device, a machine, or any other noise source creating noise as prohibited in this section shall be subject to enforcement of the provision of this section as long as the person, owner, agent, or entity had knowledge or reason to know that the activity was occurring, failed to intervene in an attempt to prevent the activity from occurring, and had the power or authority to prevent the activity from occurring.
- D. *Exceptions.* The term "loud and raucous noise" does not include noise or sound generated by the following:
1. Radios, sirens, horns and bells on police, fire and other emergency response vehicles, including the emission of any other sound for the purpose of alerting a person of the existence of an emergency;
 2. Parades, fireworks displays, outdoor music performances and other special events for which a permit has been obtained from the City pursuant to Division 2, Article III of Chapter 22, Clearwater Code of Ordinances, within such hours as may be imposed as a condition for the issuance of the permit;
 3. Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent;
 4. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm;
 5. Locomotives and other railroad equipment, and aircraft.

Section 2: This ordinance shall take effect immediately upon adoption.

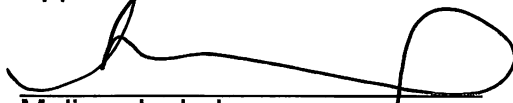
PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:



Melissa Isabel
Senior Assistant City Attorney

Rosemarie Call
City Clerk