

ORDINANCE NO. C-24-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 17, NOISE CONTROL OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, SPECIFICALLY SECTION 17-6. ENTITLED "MAXIMUM PERMISSIBLE DBA SOUND LEVELS", AND SECTION 17-7. ENTITLED "SPECIFIC RESTRICTIONS", TO INCLUDE MAXIMUM PERMISSIBLE DBC LIMITS, TO PROVIDE A METHODOLOGY FOR NOISE CONTROL OFFICERS TO TAKE PROACTIVE MEASUREMENTS, AND TO ESTABLISH STANDARDS TO ADDRESS NON-AMPLIFIED SOUND EMANATING FROM RESIDENTIAL PROPERTIES.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Section 17 entitled "Noise Control" of the Code of Ordinances of the City of Fort Lauderdale, Florida, specifically Section 17-6. entitled "Maximum Permissible dBA Sound Levels" and Section 17-7. entitled "Specific Restrictions," to include maximum permissible dBC limits, to provide a methodology for noise control officers to take proactive measurements, and to establish standards to address non-amplified sound emanating from residential properties; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, November 19, 2024, at 6:00 p.m., at the Broward Center for the Performing Arts, Mary N. Porter Riverview Ballroom, 201 SW 5th Avenue, Fort Lauderdale, Florida 33312;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 17-6. - Maximum Permissible dBA Sound Levels of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 17-6. - Maximum Permissible ~~dB~~A Sound Levels.

Notwithstanding any other provision in this chapter, it shall be unlawful, except as expressly permitted herein, to cause, allow, or permit the making of any sound which exceeds the limits set forth in this section.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

TABLE I
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS dBA and dBC

USE	TIMES	OUTDOOR	INDOOR
Residential	7:00 a.m. to 10:00 p.m. 10:00 p.m. to 7:00 a.m.	60 dBA* <u>70 dBC*</u> 50 dBA <u>60 dBC</u>	45 dBA <u>55 dBC</u> 35 dBA <u>45 dBC</u>
Commercial	24 hours	65 dBA <u>75 dBC</u>	55 dBA <u>65 dBC</u>
Industrial	24 hours	75 dBA <u>85 dBC</u>	65 dBA <u>75 dBC</u>

*If the residential use is within a commercial, industrial, or mixed use, or within two hundred (200) feet of such use, the outdoor sound level limit is sixty-five (65) dBA or seventy-five (75) dBC between 7:00 a.m. to 10:00 p.m.

Sound level measurements shall be taken as follows:

- a. When the investigation is initiated by a noise complaint, the sound level limit shall be based upon the sound level limits applicable to the complainant's property. When there is no noise complaint, the sound level limit shall be based upon the sound level limits applicable to the property where the sound source is emanating.
- b. Outdoor sound level measurements shall be taken on or within the real property line of the complainant.
- c. Indoor sound level measurements shall apply when the sound source is on or within the same parcel of land as the complainant or when the real property line between the sound source and the complainant is a common wall, floor, or ceiling. Indoor sound level measurements shall be taken within the premises of the complainant.
- d. Three (3) measurements of the normal, usual operation of the sound source under investigation shall be taken. The metric that shall be applied is LMAX. Each of the three (3) measurements shall be no less than thirty (30) seconds in duration, and all three (3) measurements shall be taken within any one-hour period. If the sound source under investigation is of a total duration of less than ninety (90) seconds, one thirty-second measurement shall be sufficient.

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- e. When there is no complainant, the measurement shall be taken at a distance of five (5) feet from the building, structure, or establishment from which the sound is emanating.

1. *Impulsive sound:*

- a. Between the hours of 7:00 a.m. and 10:00 p.m. daily, impulsive sounds which occur ten (10) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.
- b. Between the hours of 10:00 p.m. and 7:00 a.m. daily, impulsive sounds which occur four (4) or more times in any one (1) hour shall not exceed the permissible sound level limits as set forth in Table I, and impulsive sounds which occur less than four (4) times in any one-hour period shall not equal or exceed twenty (20) decibels above the permissible sound level limits as set forth in Table I.

2. *Steady pure tones:* If the sound source under investigation is a mechanical device, excluding HVAC equipment on residential property, and is emitting a sound with a steady tonal quality which does not fluctuate more than plus or minus three (3) dBA, the permissible sound level limits in Table I shall be reduced by five (5) dBA.

SECTION 2. That Section 17-7. - Specific Restrictions of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 17-7. - Specific restrictions.

1. *Amplified sound.* No person shall cause, allow, or permit the operation of any amplified sound device from the following use districts or locations in the following manner:
- a. *Residential use:*
- i. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.

- ii. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.
- b. *Rights-of-way*. Sound shall not be plainly audible at a distance of twenty-five (25) feet or more from a motor vehicle or any other sound source.
- c. *Special entertainment overlay district*. When measured at a distance of five (5) feet from the building, structure or establishment from which the sound is emanating or when taken from the complainant's property line (when there is a complainant):
 - i. *Sound shall not exceed*:
 - 1. Eighty-five (85) dBA or ninety-five (95) dBC Monday through Thursday from 12:00 p.m. to 12:00 a.m. the following day:
 - 2. Seventy (70) dBA or eighty (80) dBC Monday through Thursday from 12:00 a.m. to 2:00 a.m.
 - 3. Sixty-five (65) dBA or seventy-five (75) dBC Monday through Thursday from 2:00 a.m. to 12:00 p.m.
 - ii. *Sound shall not exceed*:
 - 1. Eighty-five (85) dBA or ninety-five (95) dBC Friday through Sunday and legal holidays (as provided by state law), from 12:00 p.m. to 1:00 a.m. the following day:
 - 2. Seventy (70) dBA or eighty (80) dBC Friday through Sunday and legal holidays (as defined by state law), from 1:00 a.m. to 3:00 a.m.
 - 3. Sixty-five (65) dBA or seventy-five (75) dBC Friday through Sunday and legal holidays (as defined by State law), from 3:00 a.m. to 12:00 p.m.
- d. *Commercial, mixed-use, or industrial uses*. No person shall cause, allow, or permit the operation of any amplified sound device in such a manner that it exceeds the following sound level limits:

- i. From 12:00 p.m. to 10:00 p.m. daily: sound levels shall not exceed sixty (60) dBC when measured within the premises of a complainant.
 - ii. From 10:00 p.m. daily to 12:00 p.m. the following day: sound levels shall not exceed fifty-five (55) dBC when measured within the premises of a complainant.
 - iii. Sound level limits in Table 1 shall apply when sound level measurements are taken outdoors at or within the property line of the complainant.
2. *Animals*. Unless unreasonably provoked, it shall be unlawful for any person to own, keep, possess or maintain any domesticated animal which vocalizes (howls, yelps, barks, squawks, or other noise) and the vocalizing is plainly audible at or within the property line of the complainant; and:
 - a. The vocalizing is for more than five (5) minutes without interruptions, defined as an average of four (4) vocalizations per minute; or
 - b. The vocalizing is two (2) times or more per minute for twenty (20) consecutive minutes.
3. *Commercial sanitation operations*. No person shall cause, allow, or permit the loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or recyclable containers, between the hours of 10:00 p.m. and 7:00 a.m. daily when such operations are conducted on a property located within two hundred fifty (250) feet of a residential use.
4. *Construction*:
 - a. No person shall operate or cause to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.
 - b. It shall be unlawful for any person to operate or cause to be operated equipment for the aforementioned uses Monday through Saturday before 8:00 a.m. or after 7:00 p.m. and Sunday before 10:00 a.m. or after 7:00 p.m., except for public works transportation projects that are approved pursuant to section 17-9.

5. *Emergency generators:*

- a. Testing of generators shall be conducted for the minimum duration and at the minimum frequency recommended by the manufacturer, but in no case shall said testing exceed one (1) hour in any one (1) day.
- b. Testing shall only be conducted between the hours of 10:00 a.m. and 7:00 p.m. daily.
- c. The sound emissions from generators shall not exceed sixty-eight (68) dBA when measured at a distance of twenty-three (23) feet from the generator.
- d. When the generator is located on the same parcel as the complainant, the indoor sound level limits in Table 1 shall apply.

6. *Heating, ventilation, and air conditioning (HVAC) equipment on residential property.* No person shall operate or cause to be operated any HVAC equipment on residential property which exceeds forty (40) dBA between the hours of 10:00 p.m. and 7:00 a.m. daily when measured within the premises of a complainant.7. *Landscaping and yard maintenance power tools or motorized equipment.* No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment Monday through Friday before 7:00 a.m. or after 7:00 p.m. in nonresidential areas, Monday through Friday before 8:00 a.m. or after 7:00 p.m. in residential areas, and Saturday and Sunday before 8:00 a.m. or after 6:00 p.m. in any portion of the city. No person shall operate or cause to be operated any landscaping or yard maintenance power tools or motorized equipment or appurtenances thereto with sound-control devices less effective than those provided on the original equipment.8. *Motorboat.* No person shall operate or cause to be operated any motorboat in any lake, river, stream, or other waterway which is not muffled pursuant to F.S. § 327.65.9. *Motor vehicles, motorcycles, mopeds and motorized scooters.* No person shall cause a rapid throttle advance (revving) of an internal combustion engine resulting in a noise disturbance.

10. Non-amplified sound:

a. Residential use:

- i. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
- ii. Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.

SECTION 3. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance without the need for a public hearing.

SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict with this Ordinance, are repealed.

SECTION 6. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this _____ day of _____, 2024

PASSED SECOND READING this _____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

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ATTEST:

City Clerk
DAVID R. SOLOMAN

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Exhibit 3
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