

ORDINANCE NO 2002-16

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 46, ARTICLE IV, *NOISE*; PROVIDING FOR A DECLARATION OF PURPOSE; DEFINITIONS; SOUND LEVEL LIMITATIONS; EXEMPTIONS; LOUD AND RAUCOUS ENUMERATION; CONSTRUCTION NOISE; MOTOR VEHICLE HORNS; PENALTY; AIDING AND ABETTING; INJUNCTIVE RELIEF; ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE

THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA DOES ORDAIN:

Section One (1) Chapter 46, Article IV of the Code of Ordinances, City of St. Pete Beach, Florida, is hereby amended as follows:

ARTICLE IV: NOISE

Sec. 46-130 Declaration of purpose

(a) Excessive, unnecessary or unusually loud noise within the city limits is a condition, which has existed for some time. The amount, and intensity of such noise is increasing and is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of city residents.

(b) It is in the public interest that the regulations contained in this article be adopted as public policy to promote the public health, comfort, safety, welfare and repose of the city and its inhabitants.

Sec. 46-131 Definitions

The following words and terms, when used in this ordinance, shall have the following meanings:

"Ambient Sound Level" is the total sound pressure level in the area of interest including the sound source of interest.

"A-Weighting" is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

"Background Sound Level" is the total sound pressure level in the area of interest excluding the sound source of interest.

"Commercial Property" is any property used for the sale of merchandise, service of food or for the performance of a professional or commercial service; provided commercial property shall not be defined to include property which includes as a use within the enterprise transient sleeping quarters.

"Construction" is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

"Decibel (dB)" is the accepted unit of measurement for sound pressure level at a specified location.

"dBA" is the A-weighted unit of sound pressure level.

"Emergency" is any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

"Emergency Work" is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or any situation deemed as dangerous.

"Impulsive Sound" is a sound having a duration of less than one second with an abrupt onset and rapid decay.

"Institutional Property" is any property which is used for hospitals and schools.

"Loud and raucous" as defined in Section 46-133 (a)

"Muffler", a sound-dissipating device or system for attenuating the sound of escaping gases of an internal combustion engine

"Multi-family Dwelling" is any building that has been divided into separate residential living units, but shall not include any transient or tourist lodging facility as defined in the zoning code.

"Noise Disturbance" See definition "Loud and raucous".

"Public Space" is any real property or structure thereon that is owned, leased, or controlled by a governmental entity.

"Real Property Line" is the line, including its vertical extension, that separates one parcel of real property from another.

"Residential Property" is any property in which sleeping quarters are provided. Without limiting the scope of this definition, but by way of example, residential property shall include property on which commercial services may be provided together or mixed with transient sleeping quarters.

"Sound Level Meter (SLM)" is an instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

"Sound Pressure Level (SPL)" is 20 multiplied by the logarithm, to the base 10, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

Sec. 46-132 Sound Level Limitations

(a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1, using the slow response setting of a SLM, which sound source shall constitute a noise disturbance:

(1) When measured at or within the real property line of the receiving property; or

(2) For property bordering on Gulf Blvd. between 75th Ave. and Hotel Place, Blind Pass Road, and 75th Ave., when measured at or behind a line thirty (30) feet from the property line that runs adjacent to said roadways, unless the area is occupied by a building, and in that instance, the sound level measurement shall be taken within the building that occupies the area.

(b) To determine the sound level from the sound source to be measured, the background sound shall be subtracted from the ambient sound level.

TABLE 1 Sound Level Limits by Receiving Property

Receiving Property Category	Time	Sound Level Limit (dBA)
Residential, Institutional, or Public Space	7am – 10pm	65
	10pm – 7am	55
Commercial	At all times	65

(c) In a multi-family dwelling, no person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 2:

TABLE 2 Sound Level Limits Within Receiving Multi-Family Dwelling Unit

Time	Sound Level Limit (dBA)
7am – 10pm	50
10pm – 7am	45

(d) If the sound is an impulsive sound, the fast response setting shall be used and the daytime (7am -10pm) limits of Table 1 shall be increased by 10 dBA.

(e) In addition to the limits of Tables 1 and 2 for any sound source which impacts residential, public or institutional property, the maximum allowable sound level limits for the individual octave bands whose centers are 63, 125, 250 and 500 Hertz shall not exceed 65 dB.

Sec. 46-133 Loud and raucous / enumeration

(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. *Loud* and *raucous* shall mean any sound that, 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.

(b) Noise from the following activities, if loud and raucous, are in violation of this article, unless exempt under section 46-134.

(1) *Exhaust from engines.* 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, steam shovels.* 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 appliance.

(3) *Blowers, fans, engines.* The operation of any blower, power fan or any internal combustion engine, which causes loud and raucous noise, unless

the noise from such equipment has a muffler device sufficient to prevent loud and raucous noise.

(4) *Radios, amplifiers, phonographs.* The using, operation or permitting to be placed, used or operated any radio, amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise.

(5) *Yelling, shouting, whistling.* Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise between the hours of 9:00 p.m. and 7:30 a.m. on any day

(6) *Animals, birds.* The keeping of any animal or bird which habitually causes a loud and raucous noise.

(7) *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 loud and raucous noise or which is not equipped with a muffler in a good working order and in constant operation as to prevent loud and raucous noise.

(8) *Schools, public buildings, churches, hospitals.* The creation of any loud and raucous noise heard within any school, public building, church, or the grounds thereof while in use, which interferes with the workings of such institution.

(9) *Attracting attention.* The use of any drum or other instrument or device to create a loud and raucous noise.

(10) *Dumping.* The dumping of bottles or cans into a dumpster between the hours of 9:00 p.m. and 7:30 a.m. resulting in loud and raucous noise.

(11) *Noise from electric bass or drums* either produced by a live band or through a sound system that is loud and raucous.

Sec 46-134 Exemptions

(a) The following are exempt from the sound level limits of Section 46-132 and the loud and raucous regulation of Section 46-133:

(1) Sound from emergency signaling devices.

(2) Sound from church bells and chimes when a part of a religious observance or service.

(3) Sound from landscape and yard equipment when operated between 7:30am and 9:00pm, provided all motorized equipment is equipped with functioning mufflers.

(4) Sound from waste disposal activity between 7:30am and 9:00pm.

(5) Sound from construction activity between 7:30am and 6:00pm, Monday through Saturday, provided all motorized equipment used in such activity is equipped with functioning mufflers.

(6) The generation of sound from the performance of emergency work;

(7) Sound generated from municipally sponsored or approved celebrations or events.

(8) Sound associated with State, County or City emergency repair or work related to public projects (e.g., road sewer construction or repair, beach re-nourishment, etc. The city manager may also exempt the sound associated with any State, County or City construction or repair on a planned public project where he makes a written finding that the exemption is a necessary condition for allowing the construction project to proceed.

(9) The city manager may authorize suspension of the enforcement if these regulations would result in a violation of any life safety regulation.

Sec. 46-135 Motor vehicle horns

The sounding of any motor vehicle horn or signaling device, except as a danger warning, is prohibited.

Sec. 46-136 Construction Noise

Section 98-1 limits the hours of construction to prevent construction noise disturbance during certain hours.

Sec. 46-137 Penalty

(a) Any person, firm or corporation that violates any provision of this chapter shall, upon conviction, be subject to a fine in accordance with the schedule set forth herein. Each instance of a violation of these regulations shall constitute a separate offense.

- (1) First violation, \$150.00.
- (2) Second violation \$250.00.
- (3) Third or subsequent violation \$500.00.

(b) Each instance of a violation shall constitute a separate offense.

(c) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of section of this Code or any ordinance shall be deemed a public nuisance and shall be subject to abatement by the city. Each day that such condition continues shall be regarded as a new and separate offense.

Sec. 46-138 Aiding and abetting

Whoever aids, abets, counsels, hires, induces or otherwise procures a violation of these regulations, and such violation is committed is subject to

being charged, and punished as provided herein, whether that person is or is not actually or constructively present upon the violation of the regulations.

Sec. 46-139 Injunctive relief

In addition to the penalty provided for violating this article, the city commission is authorized to initiate any appropriate civil action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this article. The prevailing party shall be entitled to recover attorney fees through any appellate proceedings.

Sec. 46-140 Enforcement

(a) The provisions of this ordinance shall be enforced by a code enforcement officer or police officer of St Pete Beach.

(b) In lieu of issuing a citation or notice of violation, the code enforcement officer or police officer may issue an order requiring immediate abatement of any sound source alleged to be in violation of Chapter 46, Article IV.

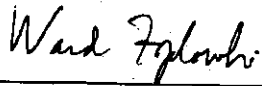
Section Two (2) This ordinance shall become effective immediately upon final passage

Passed on First Reading August 20, 2002

Passed on Final Reading September 18, 2002

ATTEST


Theresa McMaster, City Clerk


Ward Friszolowski, Mayor

Sec. 82-237. - Findings of fact; declaration of public interest.

The city commission finds and declares that:

- (1) It is in the best interests of the residents of the city to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for residential parking preference during certain hours of the day, within certain areas of the city which meet the criteria set forth in this division;
- (2) Residential permit parking regulation is necessary to promote the health, safety and welfare of the residents of the city by providing adequate parking spaces adjacent to or close by the places of residence of such residents;
- (3) It is in the public interest to:
 - a. Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access primarily to the sand beaches, but also to other places;
 - b. Protect those areas from excessive noise;
 - c. Protect the residents of those areas from unreasonable burdens in gaining access to their residences;
 - d. Preserve the character of those areas as residential districts;
 - e. Promote efficiency in the maintenance of these streets in a clean and safe condition;
 - f. Preserve the value of the property in those areas;
 - g. Preserve the safety of children and other pedestrians; and
 - h. Promote traffic safety, clean air and the comfort, health, convenience and welfare of the inhabitants of the city.

(Code 1983, § 21-46; Ord. No. 84-44, § 1, 9-5-84)

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(Code 1983, § 21-46; Ord. No. 84-44, § 1, 9-5-84)

Sec. 23.1. - Purpose and intent.

It is the intent and purpose of these regulations to provide accessible, attractive, secure, properly lighted, well maintained and screened off-street parking facilities for the citizens and the visitors of the City of St. Pete Beach. These regulations are also intended to reduce traffic congestion and hazards and to assure the maneuverability of emergency vehicles by requiring the adequate, appropriately designed and well placed provision of off-street parking and loading in proportion to the needs generated by varying types of land use. These requirements are also intended to protect residential neighborhoods from the adverse effects of vehicular noise and traffic generated by adjacent non-residential land use districts. It is the intent of these regulations that every structure and use erected or established shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, customers or patrons. It is also the intent of these regulations that certain uses provide adequate off-street loading facilities. Such off-street parking and off-street loading facilities shall be maintained and continued so long as the permitted use continues.

Sec. 20.06. - Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein or within the underlying zoning district are hereby prohibited in the PAG Overlay District.

Any use which the City Commission, upon appeal, and after investigating similar uses elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the PAG Overlay District or to those who pass by on public roadways, by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion or emission of particulate matter or likely for other reasons to be incompatible with the character of the PAG area, is hereby prohibited in the PAG Overlay District.