

Sec. 19-17. - Violation of statutes and ordinances.

(a) It shall be unlawful to commit, within the limits of the City of Hallandale Beach, any act which is or shall be recognized by the laws of the state as a capital felony, felony of the first degree, felony of the second degree, or felony of the third degree.

(b) It shall be unlawful to commit, within the limits of the city, any act which is or shall be recognized by the laws of the state as a misdemeanor; and the commission of such acts is hereby forbidden.

(c) It shall be unlawful to commit, within the limits of the City of Hallandale Beach, any act which is or shall be recognized as a violation of any county ordinance which is effective within the city.

(d) Violations of the provisions of this section, upon conviction thereof, shall be punishable by the same penalty as is therefore provided by the laws of the state.

(e) The City of Hallandale Beach may elect to offer a pre-trial diversion program to any offender of a non-violent misdemeanor committed within the limits of the City of Hallandale Beach unless specifically prohibited by state law or this Code or impose a civil citation under section 1-8 and chapter 9

(Ord. No. 2014-05, § 1, 2-5-2014)

Sec. 19-18. - Noise; declaration of necessity.

The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city; and the necessity in the public interest for the provisions and prohibitions contained and enacted in this article, is declared as a matter of legislative determination and public policy; and it is further declared that the provisions and prohibitions contained and enacted in this article are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.

(Ord. No. 2014-24, § 1, 9-3-2014)

Sec. 19-19. - General prohibition.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city. These shall conform to table 1 and 19-21 unless otherwise specified.

(Ord. No. 2014-24, § 1, 9-3-2014)

Sec. 19-20. - Enumeration of prohibitions.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Code; 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 or other vehicle on any street or public place of the city, 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 an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(2) *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio or television receiving 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 a 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. ~~The operation of any such set, instrument, phonograph, machine or device at any time in such a manner as to be plainly audible at a distance of 100 feet from the building, structure, and vehicle or place where it is located shall be prima facie evidence of a violation of this subsection.~~

(3) *Loudspeakers; amplifiers for advertising.* The using, operating or permitting to be played, used, or operated of any radio or television receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public street, particularly between the hours of 11:00 p.m. and 8:00 a.m. or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.

~~(5) *Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity. Animals. Owning, possessing or harboring any animal or bird which, frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise-sensitive zone, excluding public zoos or private animal attractions operated for profit to which the public has general admission and that are regulated by the City. For the purposes of this regulation, "barking dog" is defined as a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of 20 minutes or barks intermittently for one hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated in or upon private property; however, a dog shall not be deemed a "barking dog" for the purposes of this regulation if at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.*~~

(6) *Steam whistles.* The blowing of any locomotive steam whistle or steam 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 proper city authorities.

(7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.

(8) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) *Loading, unloading, opening, etc., of boxes; trucks idling.* It shall be unlawful for any person to load or unload any vehicle at commercial establishments located within 300 feet of a residential area between the hours of 8:00 p.m. and 8:00 a.m. The creation of a loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers is prohibited at all times. No person may allow a truck to stand or park with its engine running nor may a person allow the motor of a trailer attached or capable of being attached to a truck to run within 300 feet of a residential unit for a period exceeding five minutes between the hours of 8:00 p.m. and 8:00 a.m.

(10) *Construction or repairing of buildings.* The erection, including excavating, demolition, alteration or repair of any building other than between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, when such activity shall be prohibited other than between the hours of 1:00 p.m. and sunset, subject to the limitations set out

below except in cases 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 days or less while the emergency continues; and such permit may be renewed for periods of three days or less while the emergency continues. If the building official shall determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the prohibited hours; and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours prohibited above upon application being made at the time the permit for the work is awarded or during the progress of the work. The activities regulated by this subsection may be performed between 1:00 p.m. and sunset on Sundays by the owner or occupant of the premises on which such activities are to be performed but this exception shall not permit the use of heavy equipment or use of hired help, between 1:00 p.m. and sunset on Sundays, which may be permitted by the building official only in cases of urgent necessity in the interest of public health and safety.

(11) *Schools, courts, churches, and hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while they are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the area is a school, hospital or court street.

(12) *Hawkers, peddlers and vendors.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(13) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(14) *Metal rails, pillars and columns; transportation.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(15) *Pile drivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 8:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance or operation, such as the use of explosives, which is attended by loud or unusual noise.

(16) *Blowers or power equipment.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating it.

(17) Motorboats. Operating or permitting the operation of any motorboat in any lake, river, stream, canal, bay or other waterway in such a manner as to cause unnecessary and excessive noise within a residential area or noise-sensitive zone, or to exceed 88 dBA when measured at least 50 feet from the watercraft (single incident, any mode of operation gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise)

(18) Generators. Emergency generators installed in all residential districts shall be exempt from the sound levels set forth in Table 1 when operated during power outages. Generators in all residential districts may be operated for testing purposes one time for a period not to exceed 45 minutes in any seven-day period. Testing of generators in all residential districts is permitted between the hours of 11:00 a.m. through 5:00 p.m., Monday through Friday.

(19) Recreational motorized vehicles operating off public right-of-way. No person shall operate or cause to be operated any recreational motorized vehicle, boat, motorcycle, moped, dune buggy or any other type of motorized vehicle that exceeds the limits set forth in Table 1 off the public right-of-way in any residential or noise-sensitive zone. This section shall apply to all motorized vehicles noted above, whether or not duly licensed and registered.

(20) Fans, air conditioners, pool and mechanical equipment. It shall be deemed unlawful to create any excessive loud noise by the use or operation of any noise-creating air conditioner, compressor unit, power fan or blower or the electric motor or any engine used to drive such device, the operation of which causes the sound level to exceed 65 dBA. Such noise shall be muffled and deadened by adequate noise suppression and muffling devices to eliminate annoyance and disturbance to persons within the range of hearing.

(21) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, grinder, lawn or garden tool, or similar tool between 9:00 p.m. or sunset, whichever is earlier, and 7:00 a.m. the following day on weekdays, or 9:00 p.m. or sunset, whichever is earlier, and 9:00 a.m. on weekends and City recognized holidays, unless such equipment is operated inside a building or other structure so that the sound does not travel across any residential real property line or noise-sensitive zone and does not exceed the levels set forth in Table 1. All such equipment shall be properly muffled and maintained in working order so as not to create excessive and unnecessary noise.

(22) Solid waste collection. There shall be no private or commercial collection of garbage and/or trash in the city between the hours of 8:00 p.m. and 7:00a.m. from Monday to Friday. Saturdays and Sundays there shall be no private or commercial collection of garbage and/or trash in the city between the hours of 8:00 p.m. and 8:00a.m.

(23) Motor Vehicles. No person shall operate or cause to be operated within the city a motor vehicle or combination of vehicles of any type subject to registration at any time or under any conditions of grade, load acceleration, deceleration in speed such manner so as to exceed 88 dBA.

~~(b) There shall be no private or commercial collection of garbage and/or trash in the city between the hours of 8:00 PM and 7:00 AM.~~

(c) The city manager is authorized to issue temporary permits to permit noise produced by temporary uses or activities which do not significantly endanger the health, safety or welfare of the community, but which may be in technical violation of the requirements of this section.

(Ord. No. 2014-24, § 1, 9-3-2014)

Sec. 19-21. - Permit; test or measurement.

~~(a) In addition to the requirements of section 9-102, the making and creating of an excessive or unusually loud noise is declared to be unlawful, except when made under and in compliance with a permit, as provided in this section. Although a violation may occur without a measuring test, For the purpose of determining and classifying any noise as excessive or unusually loud, the following test or measurement may be applied:~~

(1) The noise shall be measured at a distance of at least 25 feet from a noise source in the public right-of-way, or if the noise source is located on private property, or public property other than a right-of-way, at least 25 feet from the property line of the property upon which the noise source is located.

(2) The noise shall be measured on a decibel or sound level meter of standard design or quality, operated on the A-weighted scale.

~~(3) A noise measured or registered as provided in this section of more than 60 decibels on the A-weighted scale in intensity shall be and is declared to be excessive and unusually loud, and is unlawful.~~

~~(4) A noise measured or registered as provided in this section from a motor vehicle above 88 decibels on the A-weighted scale shall be and is declared to be excessive and unusually loud, and is unlawful.~~

(b) Applications for a permit for relief from the noise level designated in this section as unlawful, on the basis of undue hardship, may be made to the city manager. Any permit granted by the city manager shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that such permit shall be effective.

The city manager may grant such a permit if he finds that additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or that the activity, operation or noise source will be of temporary duration and cannot be accomplished without exceeding the noise level provided in this section; and that no other reasonable alternative is available to the applicant; and the city manager has prescribed such conditions or requirements deemed necessary to minimize adverse effects upon the community and the surrounding neighborhood.

(c) The requirements of this section shall not apply to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency, or to those activities of a temporary duration, licensed and permitted by law, including but not limited to parades and fireworks displays.

(Ord. No. 2014-24, § 1, 9-3-2014)

Sec. 19-22. - Prohibition on sounding railroad train horns and whistles between the hours of 10:00 p.m. and 6:00 a.m.

It shall be unlawful and it is prohibited for any engineer, firefighter, conductor or other person in charge of or control of any locomotive or train of cars to sound any railroad train horn or whistle within the city between the hours of 10:00 p.m. and 6:00 a.m., where the crossing involved has train-activated automatic traffic control devices, which shall include flashing lights, bells and crossing gates, and where signs have been erected at the crossing involved announcing that railroad train horns and whistles will not be sounded during these hours and such signs conform with the uniform system of traffic control devices as specified in F.S. § 316.0745.

(Ord. No. 2014-24, § 1, 9-3-2014)

Sec. 19---. - Exempt noises.

(1) Noises from lawn mowers and agricultural equipment during daylight hours (7:00 a.m. to 8:00 p.m., or sunset, whichever is earlier) when operated with all the manufacturers' standard mufflers and noise-reducing equipment in use and in proper operating condition.

(2) Non-amplified crowd noises resulting from the activities such as those planned by student, governmental or community groups, such as parades or sports events.

(3) Noises from construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by any agency of government; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition. Such construction shall not begin prior to 8:00 a.m. and shall cease by 6:00 p.m. unless the City Manager or Building Official grants a special permit.

(4) Noises of safety signals, warning devices, emergency pressure relief valves, and bells and chimes of churches, except noise relating to operation of trains.

(6) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the City in accordance with the above. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained above.

(7) Noises made by persons having obtained a permit to use the streets.

(8) Noises, including but not limited to noise from operation of trains, of which regulation is preempted by the Federal government, but only to the extent of such Federal preemption.

(9) Noises from routine maintenance of public service facilities.

Sec. 19---. - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amplified sound means a sound augmented by any electronic or other means that increases the sound level or volume.

Ambient sound level shall mean the sound pressure level of the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, exclusive from the source under investigation. Ambient sound level is often referred to as neighborhood residual sound level or background sound level. 10dBA above ambient

db(A) means, in decibels, a frequency-weighted sound pressure level, as measured on a sound level meter using the A-weighting network as specified in American National Standards Institute (ANSI) specifications for sound-level meters ANSI S1.4-1983 (R2006). The level read is identified as dB(A) or dBA.

db(C) means, in decibels, a frequency-weighted sound pressure level, as measured on a sound level meter using the C-weighting network as specified in American National Standards Institute (ANSI) specifications for sound-level meters ANSI S1.4-1983 (R2006). The level read is identified as dB(C) or dBC.

Code Compliance Specialist means an authorized employee or agent of the city whose duty it is to ensure code compliance, including but not limited to inspectors or the City's Code Compliance Division and Police Officers.

Decibel (dB) means the measure used in describing the amplitude of sound as set forth in American National Standards Institute (ANSI) specifications ANSI S1.1-2013.

Emergency work means any work performed for the purpose of remedying conditions that create an imminent peril to life, health or property.

Establishment means a privately owned place of business to which the public is invited, including, but not limited to, a place of amusement or a place of entertainment.

Noise sensitive zone shall mean an area where certain types of facilities whose operations may be detrimentally impacted by excessive sound levels are located. Noise sensitive

facilities include but are not limited to schools, houses of worship, courts, hospitals, nursing homes, assisted living facilities, outpatient medical facilities and day care facilities.

Plainly audible means the sound can be clearly heard by a person of normal sensibilities using only unaided auditory senses.

Property line means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by a person from that owned by another person, but not including intra-building real property divisions.

Receiving property means any residence or place of business or other property into which sound, not originating therefrom, is traveling.

Residence means any occupied room or rooms connected together containing sleeping facilities, including single- and multiple-family homes, townhomes, apartments, condominium units, and hotel and motel rooms.

Sound device means any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound.

Sound source means the place from which sound emanates, including without limitation a speaker, loudspeaker, or other sound producing instrument, motor vehicle, person, animal or bird.

Sound level means the weighted sound pressure level as measured in dB(A) or dB(C) by a sound level meter as specified in American National Standards Institute (ANSI) specifications for sound-level meters (ANSI S1.4-1983 (R2006)).

Sound level meter means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels as specified in American National Standards Institute (ANSI) specifications for sound-level meters (ANSI S1.4-1983 (R2006)).

Special magistrate means the person who shall conduct code compliance hearings pursuant to F.S. Ch. 162, municipal code compliance, and chapter 9 of the City Code.

Total sound level shall mean that measured level which represents the summation of the sounds from the sound source under investigation and the ambient sounds which affect a given place at a given time, exclusive of extraneous sound sources.

All technical definitions not defined above shall be in accordance with applicable publications and standards of the American National Standards Institute ANSI S1.4-1983 (R2006) and ANSI S1.1-2013.

No person shall cause, suffer, allow, or permit the operation of any source of sound in such a manner as to create a sound level that exceeds the sound level limits listed in Table 1 when measured at, or across the real property line of the emitting property within a land use designation. Sound pressure levels in excess of those established in Table 1 would constitute a noise disturbance and be in violation of this Code and punishable by a Class II Violation of Sec 9-54 Chapter 102 – 103 Ordinance Number 2014-23

Table 1

<u>By Emitting Property/Category Measured at least 25 feet from property line</u>	<u>Permissible Sound Level Limits (dBA)</u>	<u>Maximum permissible sound</u>
<u>Residential and noise- sensitive zone</u>	<u>7:00 a.m. to 11:00 p.m.</u> <u>11:00 p.m. to 7:00 a.m.</u>	<u>60 or 10 dba above ambient</u> <u>55 or 5 dba above ambient</u>
<u>Public facilities and institutional</u>	<u>7:00 a.m. to 11:00 p.m.</u> <u>11:00 p.m. to 7:00 a.m.</u>	<u>65 or 10 dba above ambient</u> <u>60 or 5 dba above ambient</u>
<u>Commercial/Industrial</u>	<u>7:00 a.m. to 11:00 p.m.</u> <u>11:00 p.m. to 7:00 a.m.</u>	<u>70 or 10 dba above ambient</u> <u>65 or 5 dba above ambient</u>

19-25. - Enforcement Procedure

The Code Compliance Specialist shall have primary enforcement responsibility for this article. Police Officers will respond to these complaints on non-regular working hours, will issue Civil Citations to those violations requiring immediate compliance after advising violator of complaint and compliance is not reached. Thereafter, findings will be submitted to the Code Compliance Division for follow up on those violations not requiring immediate compliance. The alleged noise disturbance violations shall be investigated on a "complaint only" basis and only when the person or persons making the complaint contacts the City of Hallandale Beach Code Compliance Division and or Police Department

19-26. - Penalties.

(1) Courtesy Warning. Upon determination by the Code Compliance Specialist/Police Officer that a source of noise is being conducted in violation of this article, a Courtesy Warning will be issued to direct the operator or operators thereof to cease/desist and correct the violation.

(2) Civil Citation. Division 3 Sec 9-52. After the Courtesy Warning/Verbal warning time for compliance has expired, a Civil Citation will be issued with a daily fine accrual until the violation is corrected with fine amount as set forth on Division 3 Sec – 9-55.

(3) Civil Citation and appeal procedure shall be followed as set forth on Division 3 Sec 9-52 – 9-60.