

City of High Springs
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OFFICE OF THE CITY MANAGER

January 13th, 2012

To: Chief William Benck
Fire Chief Bruce Gillingham
City Clerk Jenny Parham

Re: City of High Springs
City Ordinance - Part 9.03.00 NOISE

Per the City of High Springs City Commissioner's request at the City Commission meeting of January 12th, 2012:

The attached ordinance is to be considered of high priority and extremely important.

Please create/implement a police directive that will clarify to all officers within our department that they are able and should act upon any occurrence that would fall under this ordinance and that a call to our police department and/or Alachua Sheriff department is not necessary.

Thanking you in advance for your kind attention to this,

Regards,

A handwritten signature in blue ink, which appears to read 'Jeri S. Langman'. The signature is stylized and cursive.

Jeri S. Langman, Interim City Manger

Hand delivered to all recipients

PART 9.03.00 NOISE

Sec. 9.03.01 Meaning of Terms

For purposes of this PART, the following terms are defined

Impulsive sound means any sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Noise disturbance means any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property;
4. Is sufficient to annoy and disturb the occupants of premises other than those premises from which noise is emanating to the extent that it renders the ordinary use of the other premises physically uncomfortable;

Any plainly audible sound which may be heard between the hours of 10:00 p.m. and 7:00 a.m. the following day, or 11:00 p.m. and 7:00 a.m. the following day if the following day is a Saturday or a Sunday, at a distance of 50 feet, from the real property boundary surrounding the premises from which the sound is emanating or which may be heard inside a closed building, dwelling unit, or business space which is located without the real property boundaries of the premises from which the sound is emanating shall be presumed to be a noise disturbance.

Plainly audible sound means any sound for which the information content of that sound is communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms.

Sec. 9.03.02 SPECIFIC SOUNDS PROHIBITED

The following acts are prohibited under this part.

- (A) *Radios, televisions sets, musical instruments, loudspeakers, tape players, CD players, record players, and similar devices.* Using, operating, or permitting the use or operation of any device which produces or reproduces sound in a manner which creates a noise disturbance across a real property boundary.
- (B) *Loudspeakers and public address systems.*
 - a. Using or operating, for any noncommercial purpose, any loudspeaker, public address system, or similar device between the hours of 9:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary.
 - b. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a real property boundary.
 - c. The use of any loudspeaker, public address system, or similar device in conjunction with an activity authorized by the city; e.g., parades, art festivals, is exempted from this subsection unless the city, in authorizing the activity, provides otherwise.

or vehicles used in the maintenance or cleaning of parking lots, or buildings or any delivery vehicles or any appurtenant motors, including air refrigeration motors or engines, or any trash or garbage collection vehicles, or any other commercial vehicles, if such operation is:

(1). Within 350 feet of any residential zoning district, and is conducted between the hours of 10:00 p.m. and 7:00 a.m. of the following day or 10:00 p.m. and 10:00 a.m. of the following day if the following day is a Sunday; or

(2). Being performed with sound-control devices less effective than those provided in the original equipment or in violation of any regulation of the United States Environmental Protection Agency; or,

(3). One which creates a sound sufficient to annoy and disturb the occupants of premises other than those premises from which the noise is emanating to the extent that it renders the ordinary use of the other premises physically uncomfortable.

Sec. 9.03.03 EXEMPTIONS

The following sounds shall be exempt from the prohibitions of Sec 9.03.02.

- (A) Sounds made by safety signals, warning devices, and sound emanating from any authorized emergency vehicle, including public works vehicles and equipment, when responding to an emergency call or acting in time of emergency.
- (B) Sound emanating from city- or government activates: The Exemption from the Prohibitions of Sec. 9.03.-2 shall apply only if the permit is obtained after review and approval by the City Commission.- it.
- (C) Sound emanating from landscaping activities which are conducted between the hours of 7:00 a.m. and 9:00 p.m. of the same day. However, this subsection shall not exempt landscaping equipment from the prohibition of subsection 9.03.02, C), G)
- (D) Sound emanating from refuse collection activities sanctioned by the city.
- (E) Sound emanating from railroad warning signals, engines, or cars in transit.

Sec. 9.03.04 RELIEF FROM NOISE RESTRICTIONS

Applications for relief from this part may be made to the city council. Any ruling granting relief shall contain all conditions upon which the permit has been granted, including but not limited to, effective dates, time of day, and location.

Sec. 9.03.05 ENFORCEMENT

Refer to Article XII

PART 9.04.00 INDUSTRIAL ACTIVITIES

Sec. 9.04.01 GENERAL REQUIREMENTS

- (2) Contest the citation in county court.
- (D) Any person electing to contest the citation and choosing to appear in county court shall be deemed to have waived the limitations on the civil penalty specified in subsection (a) of this section. The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of a violation has been proven, the court may impose a civil penalty not to exceed \$500.00.
- (E) Any person who willfully refuses to sign the citation issued by the police officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. Statute 775.082, 775.083, or 775.084. This violation shall be enforced by an officer if the police department.
- (F) Any person who has not requested a hearing and who has not paid the fine specified in subsection (a) of this section within ten days is guilty of a misdemeanor of the second degree, punishable as provided in F.S. Statute 775.082, 775.083, or 775.084. This violation may be enforced by an officer of the police department or by the issuance of a warrant through the court.
- (G) If any person fails to pay the civil penalty or fails to appear in court to contest the citation as required by the subsection © of this section, the court may issue an order to show cause upon the request of the city. This order shall require such person to appear before the court to explain why such action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court directive, that person may be held in contempt of court.

12.03.05.03 CONFISCATION OF SOUND EMITTER

The City Manager ^{or} of designee shall notify the operator of any device that produces sound constituting a noise disturbance that the device is a health hazard. The City Manager or designee shall have the power and authority to have the device removed or toned down instantly until such time as it can be otherwise operated in compliance with these regulations. The owner of the device will be notified when and where the property can be reclaimed.