

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO NOISE; AMENDING VARIOUS SECTIONS OF
3 ARTICLE VII OF CHAPTER 27 OF THE BROWARD COUNTY CODE OF ORDINANCES
4 (“CODE”) RELATING TO NOISE GENERATED BY FACILITIES AUTHORIZED TO
5 OPERATE WITH A BROWARD COUNTY AIR LICENSE OR STATE OF FLORIDA AIR
6 PERMIT; AMENDING SECTION 39-133 OF THE CODE RELATED TO NOISE
7 DISTURBANCES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE,
8 AND AN EFFECTIVE DATE.

9 (Sponsored by the Board of County Commissioners)

10
11 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
12 BROWARD COUNTY, FLORIDA:

13 Section 1. Article VII of Chapter 27 of the Broward County Code of Ordinances
14 is hereby amended to read as follows:

ARTICLE VII. NOISE

15 . . .

16
17 **Sec. 27-232. Applicability.**

18 (a) This article shall apply and shall be enforceable to excessive sound
19 ~~originating from sources within the boundaries of Broward County, unless otherwise~~
20 ~~provided herein~~ generated by facilities authorized to operate with a Broward County air
21 license or State of Florida air permit.

22 (b) ~~This article shall apply to excessive sound generated from the following~~
23 ~~property categories:~~

24 (1) ~~Industrial/manufacturing facilities;~~

25 (2) ~~Commercial/business facilities;~~

26 (3) ~~Government facilities;~~

27 (4) ~~Community service facilities;~~

28 (5) ~~Public and private rights-of-way;~~

29 (6) ~~Residential properties under construction.~~

30 (c) ~~This article shall apply to excessive sound received at the following property~~
31 ~~categories:~~

32 (1) ~~Residential properties;~~

33 (2) ~~Commercial/business facilities;~~

34 (3) ~~Government facilities;~~

35 (4) ~~Community service facilities.~~

36 **~~Sec. 27-233. Documents adopted by reference.~~**

37 (a) ~~Notwithstanding any other provisions of this article, the following provisions~~
38 ~~of the United States Code of Federal Regulations, as amended, are adopted and~~
39 ~~incorporated herein by reference: Noise Emission Standards for Transportation~~
40 ~~Equipment, Interstate Rail Carriers, 40 C.F.R. Part 201; and Railroad Noise Emission~~
41 ~~Compliance Regulations, 49 C.F.R. Part 210. References to any other parts, sections or~~
42 ~~other provisions of the Code of Federal Regulations or of the United States Code include~~
43 ~~any amended and/or renumbered versions of such parts, sections or other provisions.~~

44 (b) ~~The American Society for Testing and Material (ASTM), Standard Guide for~~
45 ~~Measurement of Outdoor A-weighted Sound Level, E 1014-84 (re-approved 2000), as~~
46 ~~amended, is adopted and incorporated by reference.~~

47 **Sec. 27-234. Definitions.**

48 ~~All acoustical terminology used in this article shall be in conformance with the~~
49 ~~ASTM, Standard Terminology Relating to Environmental Acoustics, C634-02, as~~
50 ~~amended.~~

51 (1) *Construction* means any site preparation, assembly, erection, substantial repair,
52 alteration, or similar action, on public or private rights-of-way, structures, utilities, or
53 similar property.

54 (2) *Demolition* means any dismantling, intentional destruction, or removal of
55 structures, utilities, public or private right-of-way surfaces, or similar property.

56 (3) *Emergency* means any occurrence or set of circumstances involving actual or
57 imminent physical trauma or property damage ~~which~~ that demands immediate action.

58 (4) *Emergency work* means any work performed for the purpose of preventing or
59 alleviating the physical trauma or property damage threatened or caused by an
60 emergency.

61 (5) *Excessive sound ~~or~~ or noise* means sound occurring in the environment that is
62 annoying, disturbing, or harmful.

63 (6) ~~L50 sound level means the sound level exceeded fifty (50) percent of the time,~~
64 ~~based on any measurement period of not less than ten (10) minutes.~~

65 (7) *Person* means any natural person, individual, owner, operator, public or private
66 corporation, firm, association, joint venture, partnership, municipality, governmental

67 agency, political subdivision, public officer, responsible party, or any other entity
68 whatsoever or any combination thereof, of whatever kind.

69 ~~(8) *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk or~~
70 ~~alley, or similar transportation corridor normally accessible to the public which is owned~~
71 ~~or controlled by a governmental entity.~~

72 ~~(9) *Private right-of-way* means any street, avenue, boulevard, highway, sidewalk or~~
73 ~~alley, or similar transportation corridor normally accessible to the public which is owned~~
74 ~~or controlled by a non-governmental entity.~~

75 ~~(10) *Public space* means any real property or structures thereon normally accessible to~~
76 ~~the public.~~

77 ~~(11) *Real property* means land and all immovable structures attached to the land.~~

78 ~~(12) *Real property line* means either:~~

- 79 a. Any imaginary line along the surface, and its vertical plane extension, which
80 separates one parcel of real property from another; or
- 81 b. On a ~~multi-use~~ multiuse property, the interface between the two portions of
82 the property on which different categories of activity are being performed.

83 ~~(13) *Sound* means an oscillation in pressure, particle displacement, particle velocity, or~~
84 ~~other physical parameter, in a medium with internal forces that causes compression and~~
85 ~~rarefaction of that medium. The description of sound may include any characteristic of~~
86 ~~such sound, including duration, intensity, and frequency.~~

87 ~~(14) *Sound level meter* means an instrument which includes a microphone, amplifier,~~
88 ~~RMS detector, integrator or time averaged, output meter, and weighting networks used~~
89 ~~to measure sound pressure levels. The output meter reads sound pressure levels when~~

90 properly calibrated, and the instrument is of a Type-2 or better, as specified in the
91 American National Standards Institute (ANSI) publication S1.4-1971, or its successor
92 publications.

93 Unreasonably loud noise means uninvited noise that is plainly audible inside of a
94 receiving property with doors and windows closed, across a property line, and that
95 interferes with a person's peaceful enjoyment of real property or the peace and tranquility
96 of the surrounding neighborhood.

97 **Sec. 27-235. Prohibitions.**

98 (a) ~~No person shall operate or cause to be operated any source of sound on~~
99 ~~any property listed in Sec. 27-232(b) in such manner as to create a sound level which~~
100 ~~exceeds either the L50 sound level limit or the Lmax sound level limit as set forth in~~
101 ~~Table 1 when measured at or within the real property line of any of the receiving properties~~
102 ~~listed in Table 1, unless otherwise specified~~ Any unreasonably loud noise originating from
103 a facility authorized to operate with a Broward County air license or State of Florida air
104 permit shall be deemed a violation of this section. No measurement of noise level shall
105 be required for a violation of this section.

106 TABLE 1

107 MAXIMUM ALLOWABLE SOUND LEVELS

108 <i>Receiving Property</i>	108 <i>Time</i>	108 <i>L50 Sound Level</i>	108 <i>Lmax Sound Level (dBA)</i>
109 <i>Category</i>		109 <i>(dBA)</i>	
110 Residential property, or	At all times	55	65
111 residential portion of a			
112 multi-use property			

113 ~~Government facilities,~~ ~~At all times~~ ~~65~~ ~~75~~

114 ~~community service~~

115 ~~facilities, commercial/~~

116 ~~business facilities~~

117 (b) ~~A source of sound shall not be considered in violation of the sound level~~
118 ~~limits set forth in Table 1, if the measured sound level exceeds the background sound~~
119 ~~level by less than five (5) dBA.~~

120 **Sec. 27-236. Exemptions.**

121 The activities listed in Table ~~2~~1 are exempt from the ~~sound level standards set forth~~
122 ~~in Sec. 27-235, Table 1, definition of Unreasonably Loud Noise during the time periods~~
123 ~~specified.~~

124 TABLE ~~2~~1

125 ACTIVITIES EXEMPTED FROM ~~MAXIMUM ALLOWABLE SOUND LEVELS~~

126 THE DEFINITION OF UNREASONABLY LOUD NOISE

127 Sound Generating Activity	Exempted Time Period
128 ● Using or operating a loudspeaker, or loudspeaker system	7:00 a.m. —7:00 p.m.
129 ● Loading and unloading, opening, closing, or other	
130 handling of boxes, crates, containers, building	
131 materials, or other objects	7:00 a.m.—7:00 p.m.
132 ● Operating or causing the operation of any tools or equipment	
133 used in construction, <u>reparation, alteration, maintenance,</u>	
134 <u>testing,</u> drilling, dredge and fill, or demolition work	7:00 a.m.—7:00 p.m.

135	Beach Erosion Control. Operating or causing the	
136	operation of any tools or equipment used in construction,	
137	drilling, dredge and fill, or demolition work related to	
138	beach erosion control.	At all times
139	Operating or causing the operation of power tools or	
140	equipment used in repair, alteration, maintenance,	
141	or testing of motor vehicles, aircraft and boats in a	
142	commercial establishment dedicated to such work	7:00 a.m.—7:00 p.m.
143	• Operating or causing the operation of power outdoor	
144	cleaning equipment, including the use of sweepers and	
145	blowers <u>.....</u>	7:00 a.m.—7:00 p.m.
146	• Operating or causing the operation of landscaping and	
147	yard maintenance, tree trimming, or gardening	
148	equipment <u>.....</u>	7:00 a.m.—7:00 p.m.
149	Operating motor vehicles on a public and private	
150	right-of-way	At all times
151	Operating boats, ships or vessels on a waterway	At all times
152	• The unamplified human voice <u>.....</u>	At all times
153	• Routine maintenance of public service utilities <u>.....</u>	7:00 a.m.—7:00 p.m.
154	• Alerting persons to the existence of an emergency <u>.....</u>	At all times
155	• Operating or causing the operation of engines, pumps,	
156	generators, construction tools, or other equipment for	
157	emergency use <u>.....</u>	At all times

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

158 ~~Noncommercial public speaking and public assembly~~
159 ~~activities conducted on any public space or public right-~~
160 ~~of way pursuant to lawful authority~~ At all times

161 ~~Operation of business at restaurants, bars and~~
162 ~~nightclubs~~ At all times

163 • Sounding of safety devices designed to protect
164 humans; (i.e., safety noises, such as beeping,
165 emanating from a tractor, truck, trailer, or other heavy
166 machinery); operating equipment (i.e., safety noises,
167 such as beeping, emanating from forklifts or other
168 motorized jobsite equipment); or motorized vehicles,
169 including but not limited to motor vehicles, boats, and
170 aircraft At all times

171 ~~Any noise generated by the movement of aircraft in~~
172 ~~accordance with or pursuant to applicable federal laws~~
173 ~~or regulations~~ At all times

174 **~~Sec. 27-237. Sound level measurement methods.~~**

175 ~~Sound level measurements shall be made in accordance with ASTM Standard~~
176 ~~Guide for Measurement of Outdoor A-weighted Sound Level, E-1014-84 (re-approved~~
177 ~~2000).~~

178 Section 2. Section 39-133 of the Broward County Code of Ordinances is hereby
179 amended to read as follows:

180 **Sec. 39-133. Duty to maintain property; nuisances.**

181 . . .

182 (g) Nothing shall be allowed on or in any structure, land, or water body in any

183 district that shall in any way be offensive or obnoxious, based upon a reasonable person

184 standard, by reason of the emission of odors, gases, dust, smoke, vibrations, or noise

185 (including the crowing of cocks, barking of dogs, or any noises or odors emanating from

186 any animal, fish, or fowl), taking into account the nature, frequency, intensity, duration,

187 and time of day, as well as the surrounding ambient conditions. Nor shall anything be

188 constructed or maintained that would in any way constitute an eyesore to adjacent

189 property owners or residents, or the community, based upon a reasonable person

190 standard. ~~Noise violations shall be determined based upon the provisions of Chapter 27,~~

191 ~~Article VII, of the Broward County Code of Ordinances and this section.~~ Uninvited noise

192 shall be deemed unreasonably loud if it is plainly audible inside of a receiving property

193 with doors and windows closed, across a property line, and interferes with a person's

194 peaceful enjoyment of a residence or the peace and tranquility of the surrounding

195 neighborhood ("Unreasonably Loud Noise"). The activities listed in Table 1, Activities

196 Exempted from the Definition of Unreasonably Loud Noise, are exempt from the definition

197 of Unreasonably Loud Noise during the time periods specified:

198 TABLE 1

199 ACTIVITIES EXEMPTED FROM THE DEFINITION OF UNREASONABLY LOUD NOISE

• <u>Sound Generating Activity Exempted</u>	<u>Time Period</u>
• <u>Using or operating a loudspeaker or loudspeaker system</u>	<u>7:00 a.m.—7:00 p.m.</u>

203	• <u>Loading and unloading, opening, closing, or other</u>	
204	<u>handling of boxes, crates, containers, building</u>	
205	<u>materials, or other objects</u>	<u>7:00 a.m.—7:00 p.m.</u>
206	• <u>Operating or causing the operation of any tools or</u>	
207	<u>equipment used in construction, reparation, alteration,</u>	
208	<u>maintenance, testing, drilling, dredge and fill, or</u>	
209	<u>demolition work</u>	<u>7:00 a.m.—7:00 p.m.</u>
210	• <u>Operating or causing the operation of power outdoor</u>	
211	<u>cleaning equipment, including the use of sweepers and</u>	
212	<u>blowers</u>	<u>7:00 a.m.—7:00 p.m.</u>
213	• <u>Operating or causing the operation of landscaping and</u>	
214	<u>yard maintenance, tree trimming, or gardening</u>	
215	<u>equipment</u>	<u>7:00 a.m.—7:00 p.m.</u>
216	• <u>Operating motor vehicles on a public and private</u>	
217	<u>right-of-way</u>	<u>At all times</u>
218	• <u>Routine maintenance of public service utilities</u>	<u>7:00 a.m.—7:00 p.m.</u>
219	• <u>Alerting persons to the existence of an emergency</u>	<u>At all times</u>
220	• <u>Operating or causing the operation of engines, pumps,</u>	
221	<u>generators, construction tools, or other equipment for</u>	
222	<u>emergency use</u>	<u>At all times</u>
223	• <u>Noncommercial public speaking and public assembly</u>	
224	<u>activities conducted on any public space or public</u>	
225	<u>right-of-way pursuant to lawful authority</u>	<u>At all times</u>

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- 226 • Operation of business at restaurants, bars, and
 227 nightclubs At all times
- 228 • Sounding of safety devices designed to protect humans
 229 (i.e., safety noises, such as beeping, emanating from a
 230 tractor, truck, trailer, or other heavy machinery);
 231 operating equipment (i.e., safety noises, such as
 232 beeping, emanating from forklifts or other motorized
 233 jobsite equipment); or motorized vehicles, including but
 234 not limited to motor vehicles, boats, and aircraft At all times
- 235 • Any noise generated by the movement of aircraft in
 236 accordance with or pursuant to applicable federal laws
 237 or regulations At all times

238 Any Unreasonably Loud Noise shall be deemed a violation of this section. No
 239 measurement of noise level shall be required for a violation of this section. An alleged
 240 violation of these provisions shall be investigated and determined by a code enforcement
 241 officer. Enforcement of alleged violations of this eCode shall be pursuant to Chapter 8½
 242 of the Broward County Code of Ordinances.

243 Section 3. Severability.

244 If any portion of this Ordinance is determined by any court to be invalid, the invalid
 245 portion will be stricken, and such striking will not affect the validity of the remainder of this
 246 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
 247 legally applied to any individual, group, entity, property, or circumstance, such

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248 determination will not affect the applicability of this Ordinance to any other individual,
249 group, entity, property, or circumstance.

250 Section 4. Inclusion in the Broward County Code of Ordinances.

251 It is the intention of the Board of County Commissioners that the provisions of this
252 Ordinance become part of the Broward County Code of Ordinances as of the effective
253 date. The sections of this Ordinance may be renumbered or relettered and the word
254 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
255 phrase to the extent necessary to accomplish such intention.

256 Section 5. Effective Date.

257 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis I. Marrero Koratich 10/13/2023
Alexis I. Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 10/13/2023
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Noise Ordinance
10/13/2023
#41027

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