

# **Sarasota, Florida**

## **Noise Related Regulations**

### **CHAPTER 3 AIRCRAFT OPERATIONS**

#### **Sec. 3-1. - Acrobatic flying.**

(a) No person shall acrobatically fly an aircraft over any part of the city. Acrobatic flying shall mean intentional maneuvers by aircraft not necessary to air navigation.

(b) The city manager shall have the power to grant waivers of the restrictions contained in subsection (a), as the manager shall deem proper and necessary in the interest of public health, safety, morals and general welfare. All waivers issued under the provisions of this section shall be in writing and signed by the city manager.

(c) The provisions of this section shall apply to all persons operating aircraft, including seaplanes, while being operated in the air over or within any part of the city.

### **CHAPTER 4 ALARM SYSTEMS**

#### **Sec. 4-16. - Alarm system operations.**

The city, its officers, employees and agents, shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, those duties or responsibilities being solely those of the owner of the premises. Additionally, it shall be the responsibility of the owner of the premises to silence an activated alarm and thereafter to reset same. All burglar/alarm systems shall automatically reset/silence the audible alarm within thirty (30) minutes of activation. The city shall not provide or make available the services of its police department emergency communications centers for use by owners as a central location for alarm system receiving equipment.

### **CHAPTER 20 SOUND REGULATIONS**

#### **Sec. 20-1. - Short title.**

This chapter shall be known and may be cited as the "City of Sarasota Sound Control Ordinance."

#### **Sec. 20-2. - Declaration of policy.**

It is hereby declared to be the public policy of the city to reduce the ambient sound level in the city, as so to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants, and facilitate the enjoyment of the natural attractions of the city. It is the public policy of the city that every person is entitled to ambient sound levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable sound within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

Sec. 20-3. - Definitions.

(a) As used in this chapter, the following terms shall have the following meanings:

*Amplification system* means any machine or device used for the amplification of the human voice, music or any other sound, or by which the human voice, music or any other sound is amplified. Amplification system shall not include vehicle radios, CD's, and/or tape players when used and heard only by the occupants of the vehicles in which the radio, CD, and/or tape player is installed. Amplification system shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicles used for traffic safety purposes. Amplification system, shall not include police equipment used for law enforcement purposes or equipment used for emergency work.

*Amplified* means to increase the strength, amount of, or loudness of a device.

*Amplified sound* means using or operating for any purpose, or permitting the operation or use for any purpose, any amplification system or any amplified radio, phonograph, tape player, television set, musical instrument, drum or similar device which is amplified.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

*City manager* means the city manager of the city or his or her designee.

*Completely enclosed building* means a building separated on all sides from adjacent open space or from other buildings by permanent roof and by exterior walls or party walls, pierced only by closed windows and normal entrance or exit doors. Such doors shall not be kept open except for normal ingress and egress.

*Construction* means any activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises parks, utility lanes or other property, including, but not limited to, related activities such as land clearing, grading, earthmoving, excavation, blasting, filling and landscaping but not including agriculture.

*"dBA"* means the abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting, also known as "DBA."

*"dBC"* means the abbreviation designating the unit of sound level as measured by a sound level meter using the C-weighting, also known as "DBC."

*Decibel* means the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

*Demolition* means any dismantling, intentional destruction, or removal of buildings or structures.

*Emergency* means any occurrence or set of circumstances involving actual or eminent physical trauma or property damage which necessitates immediate action.

*Holiday* means those days designated pursuant to the city's personnel rules and regulations, Rule 10.1, Authorized Holidays.

*Emergency work* means work necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger or damage.

*Frequency* means the number of oscillations per second of a vibration.

*Governmental agency* means any federal, state, county, municipal, district, board or separate unit of government created or established by law and shall include but not be limited to the state, the county, the city, the Sarasota-Bradenton Airport Authority and the School Board of Sarasota County.

*Intensity* means the magnitude of the force or energy of sound per unit area or volume.

*Loudspeaker* means a device, such as a sound truck, bullhorn, or the like which produces or reproduces sound. "Loudspeaker" shall not include a radio, CD or DVD player, tape player, television set, musical instrument, drum or similar device, or the amplification of a radio, CD or DVD player, tape player, television set, musical instrument, drum or similar device.

*Motorcycle* means every motor vehicle having a seat or saddle for the use of a rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding tractors and other farm equipment, and including motor scooters, mopeds or other motorized bicycle or three-wheel vehicle.

*Motor vehicle* means any vehicle which is, or is designed to be, self-propelled or is designed or used for transporting person or property, including off-road vehicles being operated for recreational purposes.

*Noise-sensitive area* means any area designated by the city or county as requiring strict noise limitations in the interests of the public health, safety and welfare, including, but without being limited to, schools, libraries open to the public, hospitals, churches, nursing homes and convalescent homes. Such areas shall be marked by conspicuous signs designating such area as a noise-sensitive area.

*Octave-band filter* means an instrument calibrated in preferred frequencies, for which criteria have been established by the American Standards Association, used in conjunction with a sound-level meter to take measurements in specific octave bands.

*Person* means the state or any agency or institution thereof, a municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer, employee, agent or governing or managing body of any municipality, political subdivision or public or private corporation.

*Powered model vehicle* means any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

*Public right-of-way* means any street, avenue, boulevard, highway, sidewalk or alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

*Public space* means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

*Real property line* means (a) the legal boundary line including its vertical extension that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one unit in a multi-dwelling-unit building.

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

*Sound, continuous* means any sound that is not impulse sound.

*Sound, impulse* means any sound characterized by either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second.

*Sound level* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI). If the frequency weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* means any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institute (ANSI) specifications for sound level meters.

*Sound pressure level* means the level of a sound measured in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

*Sound source* means any person, animal, device, operation, process, activity, or phenomenon that emits or causes sound.

*Special master* means the code enforcement special master or masters appointed by the city commission pursuant to chapter 2, article v, division 5, of the City Code.

*Unreasonable sound* means any sound which is excessive, unnecessary, or unusually loud so that it annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.

*Vessel* is synonymous with boat as referenced in section 1(b), Article VII of the State Constitution and includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

*Volume* means the degree of intensity, audibility, quality, strength or loudness of sound.

*Weekday* means any day, Monday through Friday, which is not a legal holiday.

(b) *Miscellaneous definitions.* All terms herein which refer to zoning or land use categories (including, but not limited to, "nonresidential zoning districts," "residential zoning district," etc.) shall be defined as set out in the zoning code of the city, as amended, or other ordinances or resolutions duly adopted by the city commission.

#### Sec. 20-4. - Unreasonable sound prohibited.

(a) Notwithstanding the fact that no violation of section 20-5 is involved:

(1) No person shall make, cause, allow, or permit to be made any unreasonable sound within the geographical boundaries of the city or within those areas over which the city has jurisdiction, including the waters and beaches adjacent to, abutting or bordering the city.

(2) Any of the following acts and causes thereof are declared to be unreasonable sound in violation of this chapter:

a. *Radios, phonographs, tape players, television sets, musical instruments, drums or similar devices.* Operating, playing or permitting the operation or playing of any radio, CD or DVD player, tape player, phonograph, television set, musical instrument, drum or similar device which produces or reproduces sound in such a manner as to annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities.

b. *Radios, phonographs, tape players, television sets, musical instruments, drums or similar devices on bicycle or by pedestrian.* Operating, playing or permitting the operation or playing of any radio, CD or DVD player, phonograph, tape player, television set, musical instrument, drum or similar device which produces or reproduces sound in or on any bicycle or by any pedestrian on a public right-of-way or in any public parking lot in such a manner as to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.

c. *Loudspeakers.* Using or operating for any purpose any loudspeaker between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on

weekends and holidays. This section shall not apply to events or activities of a governmental agency.

d. *Street sales.* Offering for sale, selling anything or advertising by shouting or outcry.

e. *Animals.* Owning, possessing, harboring, keeping, raising or maintaining any animal, as defined in chapter 8, which frequently or for continued duration howls, barks, yelps, meows, squawks, or makes other sounds in such a manner as to annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities. This provision shall not apply to public zoos or private animal attractions operated for profit to which the public has general admission and which are regulated by the city.

f. *Loading and unloading.* Loading and unloading, opening, closing or other handling of boxes, crates, containers, equipment, building materials, garbage cans or similar objects in such a manner as to annoy, disturb, injure or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 10:00 a.m. on weekends and holidays in or within fifty (50) yards of any residential real property line or noise-sensitive area. This section shall not apply to solid waste collection activities of a governmental agency or governmental agency contractor.

g. *Construction and demolition.* Engaging in construction, drilling, repair, alteration, demolition, land clearing or land filling operations between the hours of 9:00 p.m. and 6:00 a.m. on weekdays or between 9:00 p.m. and 9:00 a.m. on weekends or holidays except for emergency work by a public service utility or by other permit approved by the city. This subsection shall not apply to the use of domestic power tools as specified in paragraph j.

h. *Powered model vehicle.* Operating or permitting the operation of any powered model vehicle between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 7:00 p.m. and 10:00 a.m. on weekends or holidays in or within fifty (50) yards of any residential real property line or noise sensitive area.

i. *Emergency signaling devices.* The testing outdoors of any fire, burglar or civil defense alarm, fire, whistle or similar stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m.; and any such testing shall use the minimum cycle test time appropriate for such devices, in no case to exceed sixty (60) seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall occur only on weekdays and not before 7:00 a.m. or after 10:00 p.m. and shall be exempt from the sixty-second time limitations set forth herein. The sounding or the permitting of the sounding of any exterior fire or burglar alarm or motor vehicle burglar alarm, unless such alarm is automatically terminated within fifteen (15) minutes of activation shall be prohibited.

j. *Domestic power tools.* Operating or permitting the operation of any mechanically powered saw, fender, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. on weekdays or 10:00 p.m. and 8:00 a.m. on weekends and holidays, unless such equipment is operating inside a completely enclosed structure.

k. *Internal combustion engine.* Rapid throttle advance (revving) of an internal combustion engine on the public right-of-way resulting in increased sound from the engine for the purpose of drawing attention to the source of the sound.

(b) The standards which shall be considered in determining whether sound annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities shall include, but shall not be limited to, the following:

- (1) The volume of the sound.
- (2) The intensity of the sound.
- (3) Whether the nature of the sound is usual or unusual.
- (4) The volume and intensity of the background sound, if any.
- (5) The proximity of the sound to residential sleeping facilities.
- (6) The nature and zoning of the area within which the sound emanates.
- (7) The time of the day or night the sound occurs.
- (8) The duration of the sound.
- (9) Whether the sound is produced by a commercial or noncommercial activity.

Sec. 20-5. - Maximum sound levels.

(a) *Method of measurement generally.* For the purpose of measuring the volume, intensity and frequencies of sound, the measurement of sound shall be made with a decibel or a sound level meter operating on the "A" or "C" weighting scale of any standard design and quality meeting the standards prescribed by the American National Standards Association. The instruments shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the sound source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A wind-screen for the microphone shall be used when required. Traffic, aircraft, and other background sounds shall not be considered in taking measurements except where such background sound interferes with the primary sound being measured.

- (1) The slow meter response of the sound level meter shall be used in order to best determine that the average sound has not exceeded the standards set forth in subsections (b)(2) and (b)(3) below.
- (2) The measurement shall be made at or beyond the real property line on which such sound is generated, or perceived, as appropriate, approximately five (5) feet above ground.
- (3) In the case of an elevated or directional sound source, compliance with the sound limits is to be maintained at any elevation at or beyond the real property line.

(b) *Maximum permitted sound pressure in decibels.*

(1) Amplified sound not in a completely enclosed building. Section 20-5(b)(2) of this Code notwithstanding:

a. No person shall make, cause, allow or permit the operation of any amplified sound, not in a completely enclosed building between the hours of 10:00 p.m. and 7:00 a.m. the following morning, in such a manner as to create, when measured at or beyond the real property line from which the sound emanates, a sound level that exceeds sixty-five (65) dBA, seventy (70) dBC or has a five (5) dB or greater difference between the dBA and dBC sound levels.

b. The provisions of subsection a. above shall apply between the hours of 11:00 p.m. and 7:00 a.m. the following morning on Thursday through Sunday nights and between the hours of 11:59 p.m. and 7:00 a.m. the following morning on Friday and

Saturday nights and on nights before federal holidays for amplified sound emanating from the city owned leasehold property on the Lemon Avenue Mall.

(2) Continuous source.

a. Between the hours of 7:00 a.m. and 11:00 p.m., no person shall make, cause, allow or permit the operation of any continuous source of sound in such a manner as to create, when measured at or beyond the real property line from which the sound emanates, a sound level that exceeds seventy-five (75) dBA, eighty (80) dBC or has a ten (10) dB or greater difference between the dBA and dBC sound levels.

b. Between the hours of 11:00 p.m. and 7:00 a.m., the following morning, no person shall make, cause, allow or permit the operation of any continuous source of sound in such a manner as to create, when measured at or beyond the real property line from which the sound emanates, a sound level that exceeds seventy-five (75) dBA, seventy-five (75) dBC or has a ten (10) dB or greater difference between the dBA and dBC sound levels.

(3) Impulsive source. No person shall make, cause, allow, or permit the operation of any impulsive source of sound which has a peak sound in such a manner as to create, when measured at or beyond the real property line from which the sound emanates, a sound level that exceeds 80 dBA. If an impulsive sound is the result of the normal operation of an industrial or commercial facility and occurs more frequently than four times in any hour the levels set forth in subsection (b) shall apply.

Sec. 20-6. - Exceptions by permit.

(a) A person may seek a temporary exemption from the provisions of this chapter by seeking a special permit from the city manager. A fully complete special permit application must be submitted, on a form provided by the city manager. A special permit may only be issued for a specified limited period of time and shall set forth such conditions or requirements as shall be deemed necessary to mitigate potential adverse effects upon neighboring properties and to otherwise ensure that the public health, safety and general welfare is protected. The city manager may adopt administrative rules, as he or she deems necessary, to implement the provisions of this section.

(b) In determining whether a special permit shall be issued, the city manager shall consider the following criteria:

- (1) The nature of the event and its importance to the general community;
- (2) The potential benefit to the city or the general public which may result from the proposed event;
- (3) The size of the event with respect to anticipated public participation or attendance;
- (4) The availability of alternate locations where the event may reasonably be located without creating the type or degree of potentially adverse effects it is anticipated would result at a site for which the special permit is requested;
- (5) That the granting of the special permit will not be contrary to the public health, safety and general welfare of the residents and establishments of the neighborhood and surrounding properties;
- (6) That the granting of the special permit is appropriate and compatible to the existing uses of the contiguous and surrounding properties;
- (7) That the granting of the special permit will not establish a precedent of or encourage more incompatible uses in the surrounding area;

- (8) That the applicant has demonstrated that enforcement of the provisions of this chapter would create an undue hardship on the applicant because of unique circumstances peculiar to the applicant;
  - (9) That the applicant has demonstrated the effectiveness of sound attenuation methods and submitted methods that the applicant will employ to lessen the potentially adverse impact associated with the grant of a special permit, and
  - (10) That the applicant has not violated the terms or conditions of any previously granted special permit.
- (c) The city manager shall grant or deny an application for a special permit within fifteen (15) days from the date of the filing of a fully complete application. An application may be denied if it is determined to be incomplete. If no ruling has been made, upon the expiration of the fifteenth day, or if the fifteenth day is a Saturday, Sunday, or holiday, upon the following working day, the application shall be deemed to be granted.
- (d) Grant of an application for a special permit.
- (1) If there are no grounds for requiring denial, the city manager shall grant the application for special permit and shall issue the special permit.
  - (2) The special permit, if granted, shall state on its face the name and address(es) of the person or persons to whom it is granted, the expiration date, the location applicable to the special permit and any special conditions or requirements imposed thereby. The special permit may not be transferred to any other person or location.
- (e) Appeal.
- (1) An appeal of a decision of the city manager may be made by the applicant, in writing filed with the city auditor and clerk, within seven (7) days of the rendition of the decision, to the special master for a hearing de novo. A decision of the city manager shall be deemed to have been rendered on the date of a letter prepared by the city manager notifying the applicant of the decision of the city manager.
  - (2) The special master assigned to hear the appeal shall conduct a hearing thereon within ten (10) days of the filing of the notice of appeal, and shall make a final administrative decision, based upon the limitations and criteria set forth in sections 20-6(a) and (b), within three (3) days thereafter. In addition, the special master shall consider the administrative rules, if any, adopted by the city manager pursuant to section 20-6(a).
  - (3) The special master shall make findings of fact that the criteria set forth in section 20-6(b) have or have not been satisfied by the applicant for a special permit.
  - (4) In the event the special master grants the appeal, the special permit issued thereby shall be issued for a specified limited period of time and shall set forth such conditions or requirements as shall be deemed necessary by the special master to mitigate potential adverse effects upon neighboring properties and to otherwise ensure that the public health, safety and general welfare is protected.
  - (5) Action taken by the special master to grant or deny the appeal shall be documented in a final order. The final order shall be filed with the city auditor and clerk.
  - (6) An appeal of the decision of the special master may be made to the circuit court for the county, by filing a petition for writ of certiorari as provided for under the Florida Rules of Appellate Procedure. A decision of the special master shall be deemed to have been rendered on the date the final order is filed with the city auditor and clerk.
- (f) Any violation of any conditions imposed upon the granting of the special permit shall be deemed a violation of this chapter.



Sec. 20-7. - Exemptions.

The provisions of this chapter shall not apply to:

- (1) Any conduct regulated by F.S. 316.3045 pertaining to sound produced by a radio, tape player or other mechanical sound-making device or instrument operated or amplified within a motor vehicle;
- (2) Sound made by a horn or other warning device required or permitted by F.S. 316.271;
- (3) Sound produced by a motorboat regulated pursuant to F.S. 327.65.
- (4) Air conditioners when functioning in accord with the manufacturer's specifications and with all manufacturer's mufflers and sound-reducing equipment in use and in proper operating condition;
- (5) Non-amplified crowd sounds resulting from otherwise lawful public gatherings;
- (6) Construction, drilling, repair, alteration, demolition, land clearing or landfilling operations between the hours of 6:00 a.m. and 9:00 p.m. on weekdays or between 9:00 a.m. and 9:00 p.m. on weekends or holidays for which all required permits have been issued, provided that the equipment involved is operated in accord with the manufacturer's specifications and with all manufacturer's sound-reducing equipment in use and in proper operating condition;
- (7) Operation of any powered model vehicle between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 7:00 p.m. on weekends or holidays in or within one hundred (100) yards of any residential area, provided that the powered model vehicle involved is operated in accord with the manufacturer's specification and with all manufacturer's sound-reduction equipment in use and in proper operating condition;
- (8) Sound from any safety signal, warning device or emergency pressure relief valve for the purpose of alerting the public of an emergency or performance of emergency work. However, the testing of any such device shall be subject to the requirements of section 20-4(a)(2)i.;
- (9) Operation of any mechanically powered saw, fender, drill, grinder, lawn or garden tool, or similar tool between 7:00 a.m. and 10:00 p.m. on weekdays or 8:00 a.m. and 10:00 p.m. on weekends and holidays provided that the equipment involved is operated in accord with the manufacturer's specifications and with all manufacturer's sound-reducing equipment in use and in proper operating condition;
- (10) Sound resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency;
- (11) Any aircraft operating in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instructions used pursuant to and within the duly adopted federal air regulations;
- (12) The normal operations of railroad trains;
- (13) Motor vehicles and vessels when functioning with all manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition;
- (14) Sound resulting from emergency work;
- (15) Church bells and carillons;
- (16) Governmental agency or governmental agency contractor road construction equipment and related activities;
- (17) Amplified sound on property controlled by a governmental agency during governmental sponsored activities;
- (18) Common carrier stations, including but not limited to bus stations, commercial docks and airports;

- (19) Sound produced by activities in the fields, grounds or facilities of any sporting venue to which the public or community has access;
- (20) Sound made by children and adults on public or private schools and athletic grounds located thereon, during school curricular or extra-curricular activities;
- (21) Road festivals, parades, fireworks displays and special events for which an appropriate permit has been obtained from the city, in compliance with any conditions imposed by that permit and within the permitted area and any privately owned property located contiguous with any public right-of-way that is closed pursuant to a parade, road festival, or special event permit;
- (22) Festivals or events occurring on public parks or beaches which are permitted or approved by the city;

The uses and activities exempted from this article shall be required to comply with the provisions of all other applicable ordinances of the city and laws of the state.

#### Sec. 20-8. - Warning and penalty.

(a) When a law enforcement officer has probable cause to believe that a violation of this chapter has occurred, he or she shall issue a warning to the person or persons responsible for the violation. The warning shall advise the person or persons of the violation of this chapter and specify a reasonable time to comply.

(b) Absent special circumstances, "reasonable time" shall mean fifteen (15) minutes.

(c) If the violation is not eliminated within a reasonable time after the warning as prescribed in this section or the violation recurs within ninety (90) days of the issuance of the warning, the person or persons so warned and not complying shall be charged with a violation of this article and, upon conviction, shall be subject to prosecution under the provisions of section 20-9.

#### Sec. 20-9. - Violations; remedies.

(a) *Violations.* Any person violating this chapter shall be deemed guilty of a municipal code violation and upon conviction thereof shall be punished as provided in section 1-11.

(b) *Additional remedies.* No provision of this chapter shall be construed to impair any common law, or equitable or statutory cause of action, or other legal remedy of any person for injury or damage arising from any violation of this chapter. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof which causes discomfort or annoyance, or endangers the comfort, repose, health or peace of a reasonable person of normal sensibilities, shall be deemed and is declared to be a public nuisance and may be subject to competent jurisdiction for injunction, both temporary and permanent.

### CHAPTER 21 OFFENSES AGAINST PUBLIC PEACE

#### Sec. 21-61. - Disturbing the peace.

No person in the city shall willfully disturb the peace of others by violent, tumultuous or offensive conduct, by wailing loudly, by making unseemly noise, or by using profane, obscene or offensive language or any language calculated to provoke a breach of the peace. Nor shall any person permit any such conduct in any house or upon any premises owned or occupied by such person or under such person's management or control.