

Seminole County, Florida Noise Regulations

CHAPTER 30

Sec. 30.1302. Noise.

Every use shall be so operated as to comply with the maximum performance standards governing noise described below. Objectionable noises due to intermittence, heat, frequency, or shrillness shall be so muffled or eliminated so as not to become a nuisance to adjacent uses. Sound levels may be measured at any point on the property line on which the use is located with a sound-level meter and associated octave-band filter manufactured according to standards prescribed by The American Standards Association.

Center Frequency Cycles Per Second	Along Property Line Butting in a Residential District in Decibels	Along Property Line Abutting a Commercial/Industrial District in Decibels
31.5	68	76
63	67	74
125	66	68
250	59	63
500	52	57
1,000	46	52
2,000	37	45
4,000	26	38
8,000	17	32

Sec. 30.1303. Vibration.

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible without instruments at any point on the property line of the property on which the use is located.

CHAPTER 165

All territory within the boundaries of Seminole County, including incorporated areas, shall be covered by the provisions of this Chapter unless municipal law provides otherwise. Noise, which would otherwise constitute a violation of this Chapter, originating in an area not

covered by the provisions of this Chapter, but which emanates into an area covered by this Chapter, shall constitute a violation.

Sec. 165.2. - Definitions.

The following words and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them in this Section, except where the context otherwise requires.

(a) *Airboat*: Any watercraft as defined by Florida courts regarding the enforcement of Section 369.309, Florida Statutes, or any successor statute.

(b) *Audible*: The quality or characteristic denoting that the information content of sound is unambiguously transferred to the auditor, including, but not limited to, the understanding of spoken speech and the comprehension of musical rhythms.

(c) *Authorized emergency vehicles*: Vehicles of all police and fire departments, emergency vehicles of Seminole County and municipalities within the county, emergency vehicles of any public service corporation, all ambulances and rescue vehicles.

(d) *Commercial district*: All those districts zoned for commercial uses as defined in the Land Development Code of Seminole County, Florida.

(e) *Commercial purpose*: The installation, use or operation of any outdoor sound amplifying device for the purpose of advertising any business, goods or services, or for the purposes of attracting the attention of the public to, advertising for, or soliciting patronage or customers to or for any entertainment, event, exhibition, performance or show, or for the purpose of demonstrating such an outdoor sound amplifying device.

(f) *Construction activities*: Any and all activity incidental to the erection, demolition, assembling, alerting, installation or equipping of buildings, structures, roads or appurtenances thereof, including land clearing, grading, excavating and filling.

(g) *Device*: Any equipment or mechanism which is intended to produce or which actually produces sound when installed, used or operated.

(h) *Emergency*: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

(i) *Explosive noise*: Any sound, the hearing of which places an individual of ordinary sensitivity in at least momentary apprehension of a supposed explosion capable of doing damage to either body or property.

(j) *Firearm*: As defined in Section 790.001, Florida Statutes, or any successor statute.

(k) *Individual*: A human being, a natural person as opposed to a legal person.

(l) *Indoor sound amplification device*: Any equipment or machine for the amplification of speech, music or other sound within any roofed building or structure having more than 50 percent of its interior floor plan enclosed about with walls.

(m) *Loud noise*: A sound which has an intense volume.

- (n) *Motor vehicle*: Any vehicle which is self-propelled and every vehicle which is propelled by electric power from overhead trolley wires, but not operated on rails. This term also includes motorcycles and motor-driven vehicles.
- (o) *Noise*: Any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.
- (p) *Noise disturbance*: Sound which is or may be 1) harmful or injurious to the health, safety or welfare of any individual or 2) unreasonably interferes with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits or 3) endangers or injures real or personal property or the conduct of business.
- (q) *Noncommercial purpose*: The installation, use or operation of any outdoor sound amplifying device for other than a commercial purpose, including, but not limited to, a charitable, patriotic, philanthropic, political, or private purpose.
- (r) *Other zones*: All those districts not zoned for residential uses by the County.
- (s) *Outdoor sound amplification device*: Any equipment or machine for the outdoor amplification of speech, music or other sound.
- (t) *Person*: Any natural person, individual, public or private corporation, firm association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.
- (u) *Raucous noise*: Any sound which is harsh, boisterous or strident.
- (v) *Residential zone*: All those districts zoned for residential uses as defined in the Land Development Code of Seminole County, Florida. Also included under the category "Residential zone" are institutional facilities such as hospitals, nursing homes, homes for the aged, schools and courts.
- (w) *Sound*: An oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (x) *Sound level*: The A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of American National Standards Institute, Inc., or its successor bodies, except that only a weighting and fast dynamic response need be provided. The abbreviation "dB A" represents a composite of this A-weighted sound level and the unit of sound level, the decibel.
- (y) *Sound-producing device*: Any equipment or machine for the production or reproduction of speech, music or other sound, including, but not limited to, radios, televisions, phonographs, tape players, musical instruments, compact disc or tape cassette players, walkie-talkies, CD radios, or synthesizers.
- (aa) *Sound truck*: Any motor vehicle or any other vehicle regardless of motive power, whether in motion or stationary, having mounted upon or attached to it, any sound-amplifying equipment.
- (bb) *Vehicle*: Any machine in, upon or by which any individual or property is or may be transported or drawn upon or over any highway, thoroughfare or ground,

except those machines moved by human power or used exclusively upon stationary rails or tracks. This definition shall include hovercraft.

(cc) *Warning device*: Sound emitting devices used to alert and warn people.

(dd) *Watercraft*: Any machine in, upon or by which any person or property is or may be transported or drawn upon or over any watercourse or body of water, including swamp lands; it shall include hovercraft and airboats.

Secs. 165.3—165.10. - Reserved.

The determination of whether a sound constitutes impermissible noise, shall be done by a representative of the Seminole County Sheriff's Office whose hearing has been ascertained to deviate no more than 20 dB from normal human hearing.

Sec. 165.12. - Enforcement procedure.

The Seminole County Sheriff and/or a representative is empowered to investigate any situation where a person is alleged to be violating this Chapter. If the Sheriff and/or the representative encounters a circumstance which reasonably indicates that a person is violating this Chapter, he shall measure the sound in accordance with Section 165.11, where a prohibition is not absolute, and determine whether a violation of this Chapter is occurring or has occurred.

Secs. 165.13—165.20. - Reserved.

Sec. 165.21. - General prohibition of noise disturbance.

No person or their officers or agents shall make, maintain or cause to be made or maintained a noise disturbance unless the noise is exempted in some manner under this Chapter. Noise emanating from one's property after the owner has or should have knowledge of the condition shall be deemed to continue with the permission of the property owner. The acts and circumstances listed in the following sections are declared to be noise specifically in violation of this Chapter. The enumeration shall not be deemed to be exclusive.

Sec. 165.22. - Hawkers and peddlers.

No individual shall sell anything within a residential zone or within 500 feet thereof by outcry. However, the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events is permitted.

Sec. 165.23. - Lawn maintenance equipment.

The operation of lawn mowers, edgers, trimmers and power-driven hedge shears in a residential zone or within 500 feet thereof is prohibited between the hours of 11:00 p.m. and 7:00 a.m.

Sec. 165.24. - Power tools.

No person shall operate within a residential zone or within 500 feet thereof, any power equipment, excluding construction equipment used for construction activities, such

as but not limited to, chain saws, pavement breakers, log chippers, riding tractors, power hand tools, between the hours of 11:00 p.m. and 7:00 a.m. This Section shall not apply, if the sound produced by such power equipment cannot be heard outside that person's own parcel of real estate.

Sec. 165.25. - Transport of metal rails.

No person shall transport rails, pillars or columns of iron, steel or other material over and along streets and other public places upon any vehicle, motorized or not, in any manner so loaded as to create a noise disturbance between the hours of 11:00 p.m. and 7:00 a.m.

Sec. 165.26. - Loading, unloading and unpacking.

No person shall load, unload, pack or unpack or open crates, boxes or containers on any vehicle within a residential zone or within 500 feet thereof in a manner which creates a noise disturbance within that residential zone between the hours of 11:00 p.m. and 7:00 a.m. This Section shall not apply to holders of solid waste franchises nor to any solid waste collection done by Seminole County.

Sec. 165.27. - Tire screeching.

The intentional or repeated creation of a noise disturbance through the acceleration, turning, or stopping of any motor vehicle is prohibited.

Sec. 165.28. - Vehicle defects; repair and testing of vehicle motors.

(a) No person shall operate a motor vehicle or motorboat so out of repair or defective or under any condition of load, acceleration or deceleration as to create a noise disturbance therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(b) The repairing, rebuilding, modifying or test of any motor vehicle or motorboat in a manner within a residential zone or 500 feet thereof as to cause a noise disturbance within that residential zone is prohibited between the hours of 11:00 p.m. and 7:00 a.m.

Sec. 165.29. - Watercraft.

(Editor's Note: Pursuant to 2, Ord. No. 96-15, 10-8-96, Section 165.29 was transferred to Chapter 190. This Section may now be found at Section 190.86).

Sec. 165.30. - Operation of motor vehicle audible signal devices.

It shall be unlawful for any person to operate or sound or cause to be operated or sounded a motor vehicle horn, siren, bell or other audible signal device under any circumstance except as required by law or for any unnecessary or unreasonable period of time.

Sec. 165.31. - Discharge of firearms on private property.

(a) It shall be unlawful for any person, unless exempted by subsection (b) of this Section, to discharge a firearm or firearms in a repetitive or continuous manner on a parcel of land within 500 feet of a residence.

(b) Subsection (a) shall not apply to individuals acting in the line of duty as law enforcement officers nor to private individuals lawfully defending life or property nor to the operation of a firing range approved by the Seminole County Board of Adjustment or otherwise permitted under the Seminole County Land Development Code.

Secs. 165.32—165.40. - Reserved.

Sec. 165.41. - Operation of sound-producing devices.

It shall be unlawful for any person to operate or cause to be operated a sound-producing device which produces a sound level which creates a noise disturbance.

Sec. 165.42. - Operation of indoor sound amplification devices.

It shall be unlawful for any person to operate or cause to be operated an indoor sound amplification device which produces a sound level which creates a noise disturbance.

Sec. 165.43. - Operation of outdoor sound amplification devices.

(a) Regardless of the use to which put or the zone in which played, all sounds emanating from an outdoor sound amplification device shall be limited in volume, tone and intensity so as not to create a noise disturbance.

(b) It shall be unlawful for any person to operate or use any outdoor sound amplification device for commercial purposes between the hours of 11:00 p.m. and 7:00 a.m. in any zone.

Secs. 165.44—165.50. - Reserved.

Sec. 165.51. - Exemptions.

The provisions of this Chapter shall not apply to the sounds from the following sources or causes:

- (a) Railway locomotives or cars;
- (b) Aircraft and airport activity conducted in accordance with federal laws and regulations;
- (c) Maintenance of public service facilities;
- (d) Law enforcement and public safety activities, including training;
- (e) Motor vehicles operating on a public right of way subject to Section 316.293, Florida Statutes;
- (f) Operation of any regulated utility;
- (g) Events permitted under Chapter 185, Seminole County Code, or its successor or under Chapter 158, Part 2, Seminole County Code;
- (h) For construction activities proceeding under a valid governmental permit;
- (i) Public works projects contracted for or by a governmental agency;
- (j) Activities sponsored or related to the operation of general education institutions on property owned or under the control of the institution.

Sec. 165.52. - Special permits for the production of noise where otherwise prohibited.

(a) Any person or group of persons desiring to use or operate a sound amplification device beyond the limits stated in Sections 165.42 and 165.43 or desiring to engage in conduct or activities which would violate other sections of this Chapter, shall apply to the County Manager or his designees for a permit to do so. The County Manager or his designees may issue a permit to any person or group who applies, subject to the provisions of this Section. Each permittee, whether the original applicant or an associate of an applicant shall comply with all of the terms in this Section.

(b) The County Manager or his designee is authorized to grant a temporary exemption or permit to allow a person or persons to engage in conduct or activities which would otherwise violate this Chapter after consideration of the below listed factors if no feasible or prudent alternative to the conduct or activity, for which the temporary permit is sought, exists. The following factors shall be considered by the County Manager in determining whether or not to grant a temporary permit:

(1) The balance of the hardship of the applicant, the community or any other persons in not granting the permit, as opposed to the adverse impact on the health, safety and welfare of any individual adversely affected or any other adverse effects which would be incurred by the granting of the permit.

(2) The proximity of any residences or any other uses which would be adversely affected by sound which would otherwise be in violation of this Chapter.

(3) The level of the sound to be generated by the event or activity for which the permit is sought.

(4) Whether the type of sound to be produced by the event or activity is usual or usual for the location or zone for which the permit is requested.

(5) The population density of the zone in which the event or activity is to take place.

(6) The date and time during which the event or activity is to take place.

(7) The nature of the sound to be produced, including, but not limited to whether the sound will be steady, intermittent, impulsive or repetitive.

(c) A permit must be in writing and signed by the County Manager or his designee and must set forth the name of the person or group to whom the exemption is granted, the location of the property for which the permit is granted and the date and time for which the permit is effective.

(d) In granting any permit under this Section, the County Manager or his designee may impose appropriate conditions and safeguards as necessary to mitigate the effects of activity permitted as it relates to production of noise.

Secs. 165.53—165.60. - Reserved.

Sec. 165.61. - Penalties.

(a) Any person violating any of the provisions of this Chapter shall, upon conviction, be subject to penalties according to Section 1.8, Seminole County Code, or its successor.

(b) Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Sec. 165.62. - Civil remedies.

In addition to the criminal penalties provided in Section 165.61, Seminole County may institute any appropriate action or proceeding including suit for injunctive relief in order to prevent or abate violations of this Chapter.

Sec. 165.63. - Citizen suits.

Nothing in this Chapter shall be construed to prohibit any person from commencing a civil action on their own against any person who is alleged to be in violation of any provision of this Chapter, nor shall this Chapter be construed to impair any other common law or statutory causes of action, or legal remedies thereunder, of any person for injury or damage arising from any violation of this Chapter or from other law. Furthermore, it is the intent of the Seminole County Board of Commissioners that this Chapter serves as the basis for private actions by individuals, living within this Chapter's geographic zone of coverage, to seek relief against violations emanating from both inside and outside the area of coverage.