

ORDINANCE NO. 520

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA AMENDING THE CODE OF ORDINANCES SECTION 74-484 RELATING TO PUBLIC NUISANCE NOISES; DEFINING AND ENUMERATING PROHIBITED NOISES; EXEMPTION FROM COUNTY ORDINANCE NO. 74-11; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commission wishes to define prohibited noises to provide protection of the rights, safety, health and welfare of its citizens; and

WHEREAS, the Commission desires to amend Section 74-484 by striking all previous language; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA:

SECTION 1. ORDINANCE AMENDMENTS. Section 74-484 of the Town of Belleair Code of Ordinances, entitled "Public Nuisance Noises," is hereby amended by striking all previous language, and replacing with the following:

(a) **Terminology:** For the purposes of this chapter, the following terms, phrases, words, and/or their derivations all have the meanings provided in this section, unless the context clearly indicates that another meaning is intended.

Continuous, Frequent, and Repetitive Noise: Sound(s) that continues without any break/cessation, are intermittent or repeated, either individually, or in any combination thereof;

Nuisance Noise: Sound(s) produced by/from any source, without consideration of content, that are continuous, frequent, or repetitive, for twenty (20) or more consecutive minutes, excluding sound(s) produced by:

Property Maintenance Devices for properties zoned Golf Course (GC) and Residential Planned Development (RPD) between 30 minutes before and after civil twilight;

Property Maintenance Devices for all other zoning districts between the hours of 7:30 a.m. and civil twilight;

Property Utility Devices;

The unamplified human voice;

Bells or chimes emanating from established places of worship;

Delivery of any emergency/non-emergency government services, primary utility services, and public safety alert systems;

Manned aircraft operations;

Construction activities and equipment operating under the stipulations of an active Town Building Permit;

Temporarily permitted events;

Nuisance noise, in general, is defined as sound(s) that are plainly audible at a minimum distance, as measured from the source of sound, in accordance with the following schedule:

100 feet between the hours of 7:30 a.m. and 10:30 p.m., Sunday through Thursday;

100 feet between the hours of 7:30 a.m. and 11:30 p.m., Friday, Saturday, and on federal holidays;

50 feet between the hours of 10:30 p.m. and 7:30 a.m., Sunday through Thursday;

50 feet between the hours of 11:30 p.m. and 7:30 a.m., Friday, Saturday, and on federal holidays.

Nuisance noise emanating from within townhouses, condominiums, or apartments, is defined as sound(s) that are plainly audible at a minimum distance, as measured from the source of sound, in accordance with the following schedule:

50 feet between the hours of 7:30 a.m. and 10:30 p.m., Sunday through Thursday;

50 feet between the hours of 7:30 a.m. and 11:30 p.m., Friday, Saturday, and on federal holidays;

25 feet between the hours of 10:30 p.m. and 7:30 a.m., Sunday through Thursday;

25 feet between the hours of 11:30 p.m. and 7:30 a.m., Friday, Saturday, and on federal holidays.

Plainly Audible: Sound(s) that can be clearly heard by any law enforcement officer or code enforcement official who has a direct line-of-sight and hearing to the source producing the sound(s) using his/her normal auditory senses, without the use of hearing enhancement devices.

Property Maintenance Devices: Power/manual tools and implements being actively used by property owners to maintain, clean, or repair properties/property, including, but not limited to lawns, landscaping, structures, building interiors and exteriors, pools, driveways, sidewalks and vehicles.

Property Utility Devices: Heating and air conditioning units, fans, pumps supporting pool and irrigation systems, door openers, and temporary use of emergency generators, all of which are functioning within manufacturer specifications for sound emissions. Audio entertainment, amplifying devices, and musical instruments are not considered property utility devices.

Source of Sound: The location or place where sound is being produced/generated, to include the exact place/location, or the exterior/interior wall, side, or roof of any building, structure, container, or conveyance containing and concealing the actual source of the sound(s) from plain view.

- (b) **Prohibited Acts:** It shall be unlawful for any person to produce, cause, create, permit, allow, maintain, or fail to abate any nuisance noise.
- (c) **Exemption from County Ordinance:** The residents and citizens of the Town shall be exempted from the provisions of county Ordinance No. 74-11, and, as provided under section 9 of such county ordinance, the area and territory within the Town shall be specifically deleted from the provisions of the ordinance

SECTION 2. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 3. SUPERSEDING CLAUSE. All ordinances, resolutions or parts thereof in conflict or inconsistent with this ordinance are hereby superseded insofar as there is conflict or inconsistency.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passing.

PASSED ON FIRST READING: *May 15, 2018**

PASSED ON SECOND READING:

Mayor

ATTEST:

Town Clerk