

ORDINANCE NO. 2020-006

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 9 ENTITLED "NOISE" TO ESTABLISH STANDARDS FOR THE ACCEPTABLE LEVELS OF NOISE AND TO PREVENT NUISANCES THAT MAY ADVERSELY AFFECT THE QUIET ENJOYMENT AND QUALITY OF LIFE EXPECTED BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Southwest Ranches is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council of the Town of Southwest Ranches finds it in the best interest of the Town to create Chapter 9, entitled "Noise" in order to establish standards for the acceptable levels of noise to protect the quiet enjoyment of the Town; and

WHEREAS, the Town Council finds that the additions to the Code contained herein are in the best interest of and will reasonably protect the health, safety, and welfare of the Town's residents.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

SECTION 2. Creation. Chapter 9, entitled "Noise" of the Code of Ordinances of the Town is hereby created to state as follows:

Sec. 9-1 ***Intent***

The Town of Southwest Ranches finds and declares that excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; and that people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health, welfare or safety or degrade the quality of life. Therefore, it is the policy of Southwest Ranches to prevent excessive sound which may jeopardize the health, welfare or safety of the citizens

of the town or degrade the quality of life.

Sec. 9-2 ***Definitions***

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (1) Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action on public or private property, utilities or similar property.
- (2) Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action; economic loss shall not be a factor in the determination of an emergency. It shall be the burden of an alleged violator to prove an "emergency. "
- (3) Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage, but not economic loss, threatened or caused by an emergency.
- (4) Noise means any sound which annoys or disturbs humans or animals, or which causes or tends to cause any adverse psychological or physiological effect on humans or animals.
- (5) Noise disturbance means any noise or sound, including subharmonic frequencies that can be heard or felt beyond a real property boundary that would be determined to be objectionable by a reasonable person.
- (6) Person means any natural person, individual, public 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.
- (7) Public right-of-way means any street, avenue, sidewalk, or similar place normally accessible to the public which is owned or controlled by a governmental entity.
- (8) Public space means any property or structures thereon normally accessible to the public.

- (9) Real property line means any imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person.
- (10) Receiving land means the land located within the Town which is receiving the noise or sound.
- (11) Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (12) Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

Sec. 9-3. *Noise Disturbance Prohibited.*

No person shall make, continue, or cause to be made or continued, any noise disturbance as defined herein.

Sec. 9-4. - *Maximum Permissible Sound Levels By Receiving Land.*

No person shall operate or cause to be operated any sound in such manner as to create a noise disturbance that is audible in a receiving land.

Sec. 9-5. - *Exemptions.*

The provisions of section 9-3 shall not apply at any time to:

- (1) Motor vehicles legally operating on a public right-of-way;
- (2) The unamplified human voice;
- (3) Any noise generated by new products or interstate motor and rail carrier vehicles to the extent that local regulation of noise levels of such new products and interstate motor and rail carrier vehicles has been preempted by the Noise Control Act of 1972 (49 U. S. C. Section 4901 et seq.) or other applicable federal laws or regulations;
- (4) Farming equipment;
- (5) Any noise generated by the movement of aircraft in accordance with or

- pursuant to applicable federal laws or regulations;
- (6) Maintenance and installation of public service utilities;
 - (7) Noise generated for the purpose of alerting persons to the existence of an emergency or noise generated in the performance of emergency work;
 - (8) Any noise generated by any noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way pursuant to lawful authority; and
 - (9) Any noise generated by the operation or testing of engines, landscaping equipment, generators, pumps, mechanical equipment, construction tools, emergency equipment or similar noises that are common to residential properties;
 - (10) Refuse collection;
 - (11) Construction in accordance with the construction hours set forth in the Town Code;
 - (12) Any noise generated on a Town owned property, which is authorized by the Town;
 - (13) Any noise generated by the Town or by a Town event;
 - (14) Farm animals;
 - (15) Non-farm animals provided that they do not constitute a nuisance, as defined by the Town's Code; and
 - (16) Home workshops in accordance with the construction hours set forth in the Town Code; and
 - (17) Any special event that has been approved by the Town.

Sec. 9-6. - **Noise measurement.**

For the purpose of determining and classifying any noise disturbance, the test measurement shall consist of an inspection by an authorized Town representative who shall determine if the noise can be heard within a receiving land and whether a reasonable person would find the noise, sound or vibration to be objectionable during the time of day the noise is observed.

Sec. 9-7. - *Display of permit.*

A person who has been granted a permit for a special event shall firmly affix such permit so that it is visible from the adjacent street to enable neighbors to know of the terms, conditions, and duration of the special event.

Sec. 9-8. – *Enforcement & Penalty.*

This regulation shall be enforced by all appropriate administrative and judicial proceedings in accordance with the Town’s Code and the Florida Statutes.

SECTION 3. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

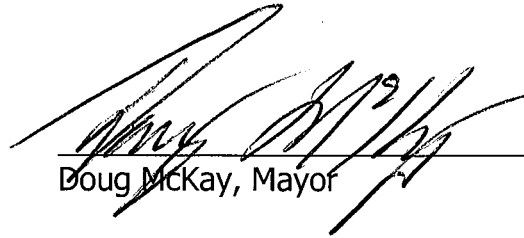
SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.

PASSED ON FIRST READING this 25th day of June, 2020 on a motion made by Council Member Jablonski and seconded by Council Member Hartmann.

PASSED ON SECOND READING this 9th day of July, 2020 on a motion made by Vice Mayor Schroeder and seconded by Council Member Jablonski.

McKay	<u>Yes</u>	Ayes	<u>5</u>
Schroeder	<u>Yes</u>	Nays	<u>0</u>
Amundson	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>	Abstaining	<u>0</u>
Jablonski	<u>Yes</u>		

[Signatures on Next Page]




Doug McKay, Mayor

Attest:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, Town Attorney
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