

NOISE ORDINANCES

9-4.2 Unnecessary and Excessive Noises Prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

a. *Horns, Signaling Devices, etc.* Sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the City of North Miami Beach, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound, and the sounding of any such device for any unnecessary and unreasonable period of time.

b. *Radios, Televisions, Phonographs, etc.* Using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner so as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of one hundred (100') feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

c. *Animals, Birds, etc.* The keeping, owning, possessing or harboring of any animal, bird or fowl which causes frequent or long continued noise so as to disturb the sleep, peace or quietude of any inhabitant of the City or which is plainly audible to a person of ordinary sensibilities at a distance of one hundred (100') feet from the building, structure or premises in which the animal or bird is located, or is audible to a person of ordinary sensibilities located within a residential dwelling unit regardless of the distance that such dwelling unit is located from the building, structure or premises upon which the animal, bird or fowl is located. It shall be an affirmative defense to any charge hereunder that such animal, bird or fowl was emitting such noise in response to an intrusion upon the premises by any person.

d. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

e. *Defect in Vehicle or Load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

f. *Trucks.* The running of trucks and/or the equipment or machinery contained on or in same, and the unloading of same in an excessively loud manner for a period in excess of ten (10) minutes, within one hundred (100') feet of any residence between the hours of 11:00 p.m. and 7:00 a.m. (1957 Code § 13-66; Ord. No. 79-16 § 3, 7-17-79; Ord. No. 93-8 § 2, 10-9-93)

9-4.3 Excessive Noise Prohibited in Vicinity of Churches, Schools, etc.; Notice.

It shall be unlawful to create any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys

the patients in the hospital; provided, conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street. (1957 Code § 13-67; Ord. No. 79-16, § 4, 7-17-79)

9-4.4 Shouting by Peddlers, etc., Prohibited.

It shall be unlawful for any peddler, hawker, or vendor to shout or tout his wares in such a manner so as to disturb the peace and quiet of a neighborhood. (1957 Code, § 13-68; Ord. No. 79-16, § 5, 7-17-79)

9-4.5 Loud Noise from Vessels; Restricted Hours in Residential Areas.

It shall be unlawful for any person to operate or permit to be operated any boat, motorboat, or vessel propelled or powered by machinery in such a manner as to cause a noise disturbance or create loud or unnecessary noise particularly adjacent to residential areas between the hours of 11:00 p.m. and 7:00 a.m. (1957 Code § 13-69; Ord. No. 79-16 § 6, 7-17-79)

9-4.6 Violations; Penalties.

a. Any person guilty of violating subsections 9-4.2 b, c, f; subsection 9-4.3 or subsection 9-4.5 shall receive a warning citation for a first offense.

b. Should any person violate subsections 9-4.2 a, d, e or subsection 9-4.4 or should any person be accused of violating subsections 9-4.2 b, c, f; subsections 9-4.3 or subsection 9-4.5 for a second time, such person, upon conviction of such violation, shall be subject to a fine of up to five hundred (\$500.00) dollars and/or sixty (60) days in jail, in addition to any other penalties which may be provided in this Code.

c. Each and every violation, including the repetition of a violation for which a notice of violation has already been issued, shall constitute a separate offense and may be punished separately. (1957 Code § 13-70; Ord. No. 79-16 § 7, 7-17-79)

9-4.7 Noises from Building or Manufacturing; Time Restricted.

a. *Generally.* It shall be unlawful for any person engaged in any building, construction, manufacturing or fabricating business or occupation in the City, either as owner, agent, servant, or employee, to make, cause, suffer or allow, in connection with the operation of such business, or occupation, any loud, intense or annoying noise between the hours of 8:00 p.m. and 7:00 a.m. of the following day, which noise causes annoyance to the public or disturbs the peace, quiet and rest of persons occupying or residing on property near enough thereto to be annoyed or discomforted by such noises.

b. *Special Equipment.* In addition to the restrictions in paragraph a hereof, it shall be unlawful for any persons engaged in any building or construction business to perform any work in the City between the hours of 5:00 p.m. and 7:00 a.m. weekdays and 5:00 p.m. and 9:00 a.m. on Sundays, except by written permission of the City Building Inspector, and then only in cases of emergency, with the following machinery: Bulldozers, pile drivers, steam shovels, pneumatic hammers, and/or other similar apparatus.

c. *Weekend restrictions in residential districts.* In addition to the restrictions in paragraphs a. and b. hereof, it shall be unlawful for any person to engage in any outdoor construction or building activities which generate any offensive noises that affect the peaceable enjoyment of the neighborhood in any residential district in the City between the hours of 7:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays.

(Ord. No. 302 §§ 1, 2, 2-17-53; 1957 Code § 13-21; Ord. No. 2002-1 § 2, 3/19/2002)

9-4.8 Vending Vehicles, Audible Devices.

It shall be unlawful for operators of any vending vehicles to utilize devices that are audible within the homes in the City.

This prohibition shall be in full force and effect during all hours of the day and night with no exception as to holidays or weekends. (Ord. No. 329 §§ 1, 2, 8-4-53; 1957 Code § 13-22)

9-4.9 Juke Boxes or Music on Premises Holding a Business Tax Receipt.

It shall be unlawful for any person to play any music or juke box within any place of business holding a business tax receipt after the hour of 11:00 p.m. if such place of business holding a business tax receipt is within five hundred (500) feet of any occupied residence either now constructed or hereafter to be constructed. (Ord. No. 128 § 1, 11-5-46; 1957 Code § 13-23)

State law reference—Authority of cities to regulate amusements, F.S.A. (1966) § 168.07.