

ORDINANCE 2015-16

**AN ORDINANCE OF THE CITY OF BELLEAIR BLUFFS, FLORIDA;
AMENDING SECTION 112-3 OF THE CODE OF ORDINANCES TO
REVISE THE VIOLATION DESCRIPTION OF AMPLIFIED SOUND
WHICH IS DECLARED TO BE UNLAWFUL NOISE; AND PROVIDING
FOR AN EFFECTIVE DATE HEREOF.**

WHEREAS, the City of Belleair Bluff's Charter and Ordinance Review Committee has recommended a revision to the Code of Ordinances of Belleair Bluffs, Florida providing for a revised description of amplified noise as a violation declared to be unlawful noise; and

WHEREAS, the recommendations of the Charter and Ordinance Review Committee have been found meritorious by the City Commission;

WHEREAS, the City Commission has received input from the public at two public hearings; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, THAT:

Section 1: That subsection (3) of subparagraph (B) of Section 112-3 of Chapter 112 of Part II of the Code of Ordinances is amended to read as follows:

- B. The following are violations that are declared to be unlawful noise and subject to the penalty provided. The inclusion of these violations does not preclude other violations which may fall within the purview of this chapter.
- (1) The exhaust of any internal-combustion or steam engine which is not equipped with an effective and operative muffler equal to or better than the original equipment's manufacturer's specifications. Worn out or defective mufflers fall within this classification.
 - (2) The operation of construction equipment between the hours of 6:00 p.m. and 7:00 a.m. on any day or at any time on Sunday. Such equipment includes but is not limited to pile drivers, pneumatic hammers, derricks, dredges, tractors, earthmoving equipment and similar construction equipment. Emergency use may be permitted as set forth hereinafter.
 - (3) ~~The production of sound from any amplifier, phonograph, hi-fi, stereo, tape player, compact disc or digital sound systems or other type of sound-broadcasting or sound-amplification device, whether from moving vehicles or vessels or stationary locations, which can be heard by a person of~~

~~normal hearing acuity at a distance of 100 feet or greater. Such items include but are not limited to loudspeakers, boom boxes and/or car radios. Amplified sound, whether music or any other form of sound, that may be heard outside the property line from which the amplified sound is generated after 10:00 p.m. until 7:00 a.m. any day of the week. This violation includes sound generated inside a structure or outside a structure. Sound, which may be heard because of the opening of doors as persons enter and leave the structure that momentarily exceeds an A-weighted decibel threshold of 65 Db measured at the property line of the property from which the sound is generated is not a violation of this standard.~~

- (4) Sounds produced by any animal or bird in possession or under the control of a person at frequent or continuous periods of time which annoy or disturb persons in the vicinity of the sound or otherwise create a nuisance in the neighborhood.
- (5) The operation of any motor vehicle or vessel which produces grinding, grating, rattling or irritating noises while in motion or in operation or which is not equipped with an effective motor sound-suppression device equal to or better than the original manufacturer's specifications.

Section 2: This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BELLEAIR BLUFFS, FLORIDA, THIS _____ DAY OF _____, 2015.

Mayor Chris Arbutine

ATTEST:

Debra S. Sullivan, City Clerk

PASSED ON FIRST READING: June 22, 2015 Unanimously

PASSED ON SECOND READING: July 20, 2015 4 Aye, 1 Nay