

# Exhibit 1

## ORDINANCE 2014-06

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3           **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**  
4           **THE-SEA, FLORIDA, AMENDING CHAPTER 13 "NOISE"**  
5           **OF THE CODE OF ORDINANCES TO AMEND THE SOUND**  
6           **LEVELS IN THE COMMERCIAL NOISE ZONE, ADDRESS**  
7           **AUDIBLE ALARM SYSTEMS, REGULATE GENERATOR**  
8           **NOISE ON CONSTRUCTION SITES, REVISE THE**  
9           **MEASUREMENT OF SOUND LEVELS, ADOPT**  
10           **DEFINITIONS, AND OTHERWISE AMEND THE TOWN'S**  
11           **NOISE REGULATIONS; PROVIDING FOR**  
12           **SEVERABILITY, CODIFICATION, AND AN EFFECTIVE**  
13           **DATE.**

14  
15           **WHEREAS,** the Town Commission of the Town of Lauderdale-By-The-Sea (the "Town")  
16 recognizes that loud noises disturb the quiet enjoyment of property necessary to peaceful and  
17 productive living; and

18           **WHEREAS,** the Town Commission desires to amend Chapter 13 "Noise" of the Code of  
19 Ordinances, in order to define terms, modify the sound level standards in the commercial noise  
20 zone, modify the distance from which sound is measured, all to better address the impact of  
21 excessive noise on residential areas of the Town and provide for effective and content-neutral  
22 regulation of noise appropriate to the commercial and residential areas within the Town; and

23           **WHEREAS,** the Town Commission further desires to amend Chapter 13 to better regulate  
24 generator noise from construction sites and audible security alarm systems; and

25           **WHEREAS,** upon the recommendation of Town staff, the Town Commission deems it to  
26 be in the best interest of the citizens and residents of the Town to amend the Code of Ordinances to  
27 accomplish these objectives.

28           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
29           **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**  
30



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64 (c) Time limits on generator use. Fuel powered generators may only be used during the  
65 permitted hours of construction provided above in subsection (11) until the 60th day  
66 after a building permit is issued or the date that an electrical power drop is installed,  
67 whichever is soonest. The generator(s) may only be used for a period of four (4)  
68 hours each work day. The four-hour period starts when the first generator is turned on  
69 and ends four (4) hours later, regardless of how many times the generator is turned off  
70 or how many generators are used during that time period. The Building Official may  
71 extend any of the time limitations herein upon demonstration of good cause by the  
72 property owner.

73  
74 (14) Audible security alarms. The use of an audible security alarm system that is audible for  
75 longer than allowed by or otherwise does not comply with all requirements of Chapter 15 of the  
76 Code.

### 77 78 **Section 13-4. Terminology and standards.**

79  
80 All terminology used in this chapter shall be as defined herein or, if not defined, given plain  
81 meaning by reference to common dictionary definition. When interpretation is required by reference  
82 to a source more definitive than this Code or a dictionary, reference shall first be made to  
83 publications of the American National Standards Institute (ANSI):

84  
85 \* \* \* \* \*

86  
87 Continuous source of sound. A source of sound, whether constant, variable, intermittent, or  
88 impulsive, that continues for a period of time without stopping or interruption.

89  
90 \* \* \* \* \*

### 91 92 **Sec. 13-6. Noise limitations.**

93  
94 (a) Prohibition of sound disturbance. No person shall make, continue or cause to be made or  
95 continued any sound disturbances which violate the noise limitations, as defined in this section.

96  
97 (b) Method of measurement generally. For the purpose of measuring the volume, intensity and  
98 frequencies of sound, the measurement of sound shall be made with a sound level meter  
99 operating on the "A" and "C" weighting scale of any standard design and quality meeting the  
100 standards prescribed by the American National Standards Association (ANSI). The instruments

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101 shall be maintained in calibration and good working order. Measurements recorded shall be  
102 taken so as to provide a proper representation of the sound source. The microphone used during  
103 measurement shall be positioned so as not to create any unnatural enhancement or diminution of  
104 the measured sound. A wind-screen for the microphone shall be used when required. Traffic,  
105 aircraft, and other background sounds shall not be considered in taking measurements, except  
106 where such background sound interferes with the primary sound being measured.

107  
108 (1) The slow meter response of the sound level meter shall be used in order to best  
109 determine that the average sound has not exceeded the standards set forth in  
110 subsections (c)(1) and (c)(2) below.

111  
112 (2) The measurement shall be made at or beyond ~~200 feet beyond~~ the real property line  
113 of the property on which such sound is generated, or perceived, as appropriate,  
114 approximately five (5) feet above ground.

115  
116 (3) In the case of an elevated or directional sound source, compliance with the sound  
117 limits is to be maintained at any elevation at or beyond the real property line.

118  
119 (c) *Maximum sound levels.* The maximum dBA and dBC sound levels permitted on any property  
120 within the Town shall be as follows:

121  
122 (1) The following maximum limitations on sound disturbances shall apply within Zone A  
123 (commercial noise zone), as delineated in the map shown in Figure 13:

124  
125 a. Between the hours of 7:00 a.m. and 10:00 p.m., no person shall make, cause,  
126 allow, or permit the operation of any continuous source of sound in such a  
127 manner as to create, when measured at or beyond the real property line from  
128 which the sound emanates, a sound level that exceeds ~~90~~ 85 dBA or ~~95~~ 85  
129 dBC.

130  
131 b. Between the hours of 10:00 p.m. and 7:00 a.m. the following morning, no  
132 person shall make, cause, allow, or permit the operation of any continuous  
133 source of sound in such a manner as to create, when measured at or beyond  
134 the real property line from which the sound emanates, a sound level that  
135 exceeds 75 dBA or 75 dBC.

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137 (2) The following maximum limitations on sound disturbances shall apply within Zone B  
138 (residential noise zone), as delineated in the map shown in Figure 13:

- 139
- 140 a. Between the hours of 7:00 a.m. and 10:00 p.m., no person shall make, cause,  
141 allow, or permit the operation of any continuous source of sound in such a  
142 manner as to create, when measured at or beyond the real property line from  
143 which the sound emanates, a sound level that exceeds 60 dBA or 65 dBC.  
144
- 145 b. Between the hours of 10:00 p.m. and 7:00 a.m. the following morning, no  
146 person shall make, cause, allow, or permit the operation of any continuous  
147 source of sound in such a manner as to create, when measured at or beyond  
148 the real property line from which the sound emanates, a sound level that  
149 exceeds 55 dBA or 65 dBC.

150

151 (d) *Maximum sound level for activities duly authorized by special event permit.* An activity  
152 which has been granted a special event permit pursuant to Article VIII of Chapter 17 of the Code  
153 of Ordinances shall be subject to the maximum limitation on sound disturbances provided within  
154 this subsection. In connection with the permitted special event, no person shall make, cause,  
155 allow, or permit the operation of any continuous source of sound in such a manner as to create,  
156 when measured at or beyond ~~two~~ one hundred (2100) feet from the source from which the sound  
157 emanates if the source is located on public property, or at or beyond from the real property line if  
158 the source is on private property, a sound level that exceeds the dBA or dBC standard in (c)  
159 applicable to the point of measurement and the time of measurement, unless a different standard  
160 is established in the special event permit.

161 \* \* \* \* \*

162

163

164 **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is  
165 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in  
166 no way affect the validity of the remaining portions of this Ordinance.

167 **SECTION 4. Effective Date.** This Ordinance shall become effective immediately upon  
168 passage on second reading.

169 **SECTION 5. Conflict.** It is the intention of the Town Commission that the provisions of

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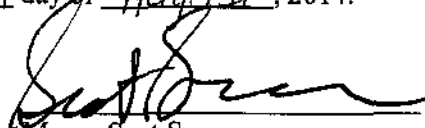
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170 this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of  
171 Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word  
172 "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in  
173 order to accomplish such intentions.

174 SECTION 6. Codification. All prior ordinances or resolutions, or parts thereof, in  
175 conflict herewith are hereby repealed to the extent of said conflict.

176 Passed on the first reading, this 8 day of July, 2014.


177  
178 Passed on the second reading, this 19 day of August, 2014.

179  
180  
181   
182 Mayor Scot Sasser

	First Reading	Second Reading
184 Mayor Sasser	<u>Aye</u>	<u>Aye</u>
185 Vice-Mayor Vincent	<u>Aye</u>	<u>Aye</u>
186 Commissioner Brown	<u>Aye</u>	<u>Aye</u>
187 Commissioner Dodd	<u>Aye</u>	<u>Aye</u>
188 Commissioner Sokolow	<u>Aye</u>	<u>Aye</u>

189 Attest:  
190   
191 Town Clerk Tedra Smith

192  
193 (CORPORATE SEAL)

194 Approved as to form:  
195  
196   
197 Town Attorney Susan L. Trevarthen