

Ordinance No. 22-O-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER 12, ARTICLE IV, DIVISION 2, OF THE TALLAHASSEE CODE OF GENERAL ORDINANCES CONCERNING NOISE DISTURBANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA, AS FOLLOWS:

Section 1. Section 12-93 of the Tallahassee Code of General Ordinances is amended to read as follows:

Sec. 12-93. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Noise disturbance means any sound which is unreasonably loud, raucous, or jarring to a reasonable person of normal sensitivities and which is plainly audible to a police officer or code enforcement officer.

Plainly audible means sound which is detected by a police officer or code enforcement officer, using the officer's unaided hearing faculties, at a distance of 100 feet or greater, from the source of the sound, or the property line which is the site of the sound if the property is not otherwise accessible to the officer.

~~A-weighted sound level means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network as described in ANSI S1.4-1983 issued by the American National Standards Institute. The unit of measurement is the dB(A).~~

~~C-weighted sound level means the sound pressure level in decibels as measured with a sound level meter using the C-weighting network as described in ANSI S1.4-1983 issued by the American National Standards Institute. The unit of measurement is the dB(C).~~

~~Decibel (dB) means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).~~

~~Non-residential property means any property which is not residential property.~~

~~Residential property means property which satisfies all of the following criteria: (a) the property is outside the Urban Core District, (b) the property contains habitually occupied~~

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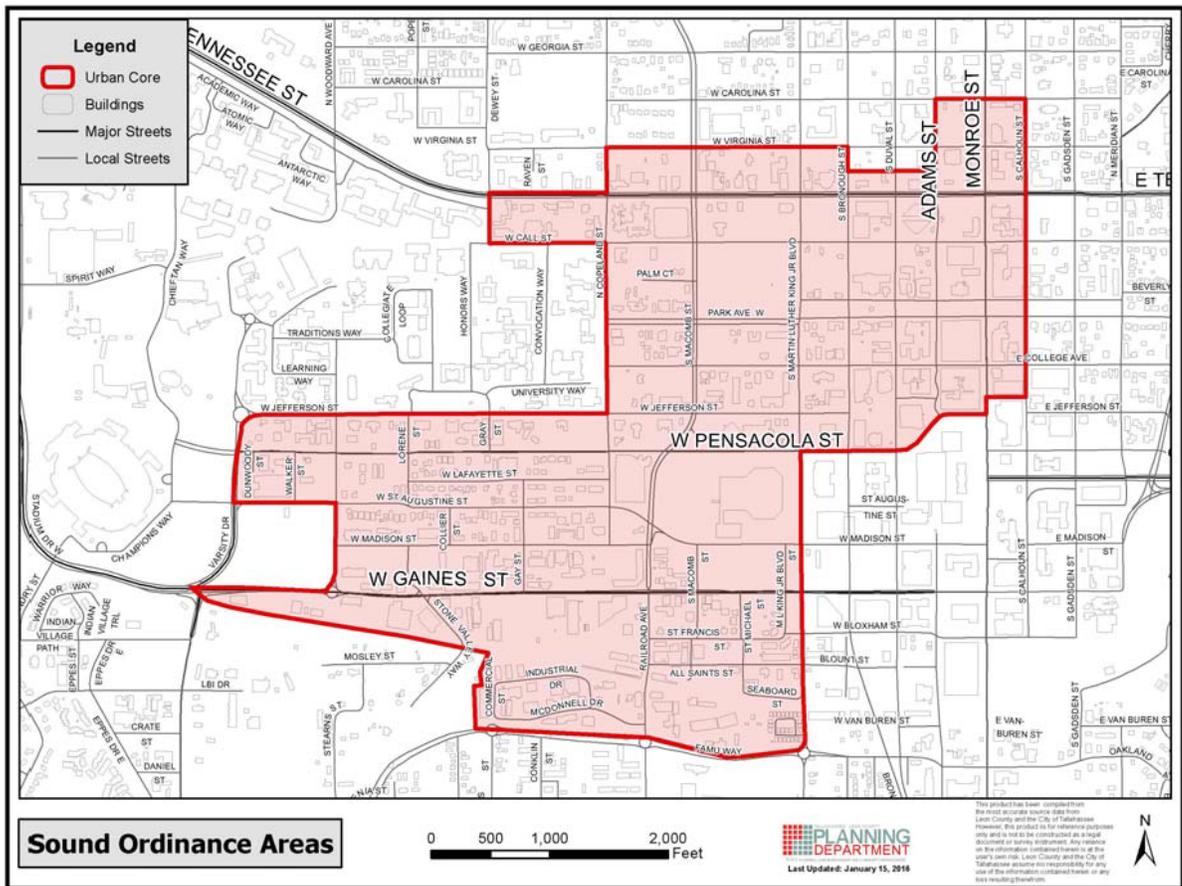
1 sleeping quarters, and (c) the property is located in one of the following zoning districts:  
2 LP, MH, NBO, OR 1, R 1, R 2, R 3, R 5, RA, RP 1, RP 2, RP MH, RP R, RP UF or  
3 UF.

4  
5 Sound means a physical disturbance causing an oscillation in pressure in a medium, such  
6 as air, that is capable of being detected by the human ear or a sound measuring  
7 instrument.

8  
9 Sound level means the weighted sound pressure level as measured in dB(A) or dB(C) by  
10 a sound level meter.

11  
12 Sound level meter means an instrument, including a microphone, an amplifier, an output  
13 meter, and frequency weighting networks, for the measurement of sound levels.

14  
15 Urban core district shall constitute that area of the city as depicted on the map below.  
16



17  
18  
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1            Section 2. Section 12-94 of the Tallahassee Code of General Ordinances is amended to  
2 read as follows:

3            Sec. 12-94. Noise Disturbance Prohibited. ~~Maximum permissible sound.~~

4  
5            (a) Outside Urban Core. Except as provided herein, it shall be unlawful and a violation  
6 of this section to make, cause or allow the making of any sound that constitutes a noise  
7 disturbance outside the Urban Core at any time.

8  
9            (b) Within Urban Core. Except as provided herein, it shall be unlawful and a violation  
10 of this section to make, cause or allow the making of any sound that constitutes a noise  
11 disturbance within the Urban Core between the hours of 2:00 a.m. and 7:00 a.m.

12  
13            ~~(a) — Receiving properties in Urban Core District. No person shall cause, suffer, allow,~~  
14 ~~or permit the operation of any source of sound in such a manner as to create a sound level~~  
15 ~~at a receiving property within the Urban Core District, as defined in section 12-93, that~~  
16 ~~exceeds the sound level limits listed in Table 1.~~

17            ~~TABLE 1~~

<b>Urban Core District</b>	
<i>Times</i>	<i>Sound Limits</i>
7:00 a.m. to 2:00 a.m.	not regulated
2:00 a.m. to 7:00 a.m.	55 dB(A) or 65 dB(C)

18  
19            ~~(b) — Receiving properties outside Urban Core District. No person shall cause, suffer,~~  
20 ~~allow, or permit the operation of any source of sound in such a manner as to create a~~  
21 ~~sound level at a receiving property, within the city limits in any section of the city which~~  
22 ~~does not fall within the Urban Core District, that exceeds the sound level limits listed in~~  
23 ~~Table 2. The land use (residential or non-residential as defined in section 12-93) for the~~  
24 ~~complainant's property shall determine the applicable sound limit outside the Urban Core~~  
25 ~~District.~~

26            ~~TABLE 2~~

<b>Residential Property</b>	
<i>Times</i>	<i>Sound Limits</i>
7:00 a.m. to 10:00 p.m.	55 dB(A) or 65 dB(C)
10:00 p.m. to 7:00 a.m.	50 dB(A) or 60 dB(C)
<b>Non-Residential</b>	
<i>Times</i>	<i>Sound Limits</i>
7:00 a.m. to 10:00 p.m.	70 dB(A) or 85 dB(C)
10:00 p.m. to 2:00 a.m.	70 dB(A) or 80 dB(C)
2:00 a.m. to 7:00 a.m.	55 dB(A) or 65 dB(C)

27  
28            ~~(c) — Sound level measurements.~~

29            ~~(1) — Outdoor sound level measurements shall be taken on or within the real property~~  
30 ~~line of the complainant.~~

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1           ~~(2) — The measurement of sound shall be made with a sound level meter which~~  
2           ~~complies with the standards for a Type 2 sound level meter in accordance with ANSI~~  
3           ~~S1.4 1983 issued by the American National Standards Institute. The slow response-~~  
4           ~~setting of the sound level meter shall be utilized for the measurement.~~  
5

6           Section 3. Section 12-96 of the Tallahassee Code of General Ordinances is amended to

7 read as follows:

8           Sec. 12-96. Enforcement.

9           (a) Any Tallahassee Police Department Officer or any code enforcement officer, as  
10           defined in section 2-148 of the Tallahassee Code, may issue citations for violation(s) of  
11           section 12-94.

12  
13           ~~(b)(1) Upon identifying a noise disturbance~~ Upon arrival at any property which is the  
14           ~~subject of complaint that sound exceeds the maximum levels prescribed as proscribed in~~  
15           section 12-94, the police officer or code enforcement officer ~~responding to the complaint~~  
16           shall attempt to notify the owner of the property, or the person responsible for sound, that  
17           there is a sound emitting from the property is in violation of section 12-94.  
18

19           (2) Following notice from the responding officer, the owner or person responsible for the  
20           sound shall have ~~ten~~ five (5) minutes to voluntarily reduce the sound to comply a level-  
21           ~~which is in compliance~~ with section 12-94. If the sound is reduced within the ~~ten~~ five (5)  
22           minute voluntary compliance period, no citation shall be issued under this section except  
23           as follows.  
24

25           (3) If an officer has responded to a noise disturbance within the prior six months,  
26           concerning the person which is the cause of the sound, or the property which is the site of  
27           the sound, a citation may be issued for violation of section 12-94 without notice or  
28           opportunity for voluntary compliance pursuant to this subsection. Where an officer  
29           responds to a subsequent noise disturbance within a six month period, the voluntary  
30           compliance opportunity shall be eliminated whether or not a citation was issued for the  
31           prior noise disturbance incident. If the property which is the subject of a complaint, has  
32           been the subject of a complaint within the prior six months to which a police officer or  
33           code enforcement officer responded, and a voluntary compliance notice was issued on  
34           such prior occasion, a citation may be issued for violation of section 12-94 without notice  
35           or opportunity for voluntary compliance pursuant to this subsection.  
36

37           (4) In the event that a police officer or code enforcement officer is refused entrance or  
38           access to the property which is the site source of sound in violation of section 12-94, ~~or if~~  
39           ~~a police officer or code enforcement officer is unable to determine the person responsible~~  
40           ~~for the excessive sound,~~ a citation may be issued for violation of section 12-94 without  
41           notice or opportunity for voluntary compliance pursuant to this subsection.  
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1 (c) In the event that a police officer or code enforcement officer is refused entrance or  
2 access to the property which is the site source of the noise disturbance sound in violation  
3 of section 12-94, or if a police officer or code enforcement officer is unable to determine  
4 the person responsible for the noise disturbance excessive sound, there shall be a  
5 rebuttable presumption that the property owner was responsible for the noise disturbance  
6 sound in violation of section 12-94. In such event, a citation may be issued to the  
7 property owner on record with the Leon County Tax Collector, as provided in this  
8 section. The property owner may rebut the presumption of responsibility by contesting  
9 the citation and establishing that the property owner was not the cause or the source of  
10 the noise disturbance excessive sound.

11  
12 (d) If two or more noise disturbance citations have been issued at a specific location  
13 within the prior six months, the property owner shall be presumed to be jointly and  
14 severally responsible for any subsequent noise disturbance. In such event, a citation shall  
15 be issued to the property owner on record with the Leon County Tax Collector, as  
16 provided in this section. The property owner may rebut the presumption of responsibility  
17 by contesting the citation and establishing that the property owner has taken reasonable  
18 efforts to prevent noise disturbances at the property.

19  
20 (e) Any citation for violation of section 12-94 shall contain the information prescribed  
21 in section 2-154(c) of the Tallahassee Code. Citations shall be provided to any violator,  
22 including any property owner, by hand delivery by any police officer or code  
23 enforcement officer, or by certified mail, return receipt requested.

24  
25 (f) Any person cited for violation of section 12-94 may contest the violation within  
26 30 days, and shall be brought before the City Code Magistrate or code enforcement  
27 board, or shall be brought before the Leon County Court. The city shall have discretion to  
28 determine the venue for adjudication of the violation.

29  
30 (g) A fine of ~~\$2~~50.00 shall be imposed for a first violation; ~~\$3~~250.00 for a second  
31 violation; and \$500.00 for a third and any subsequent violation. It shall be a separate  
32 violation if noise disturbance sound exceeding the limits in section 12-94, continues or  
33 re-occurs, after the passage of 15 minutes, following notice of the violation, issued by a  
34 police officer or code enforcement officer, to the property owner, or person responsible  
35 for or causing the noise disturbance excessive sound.

36  
37 (h) A certified copy of the order imposing any fine under this division may be  
38 recorded as a lien on the property of any violator for collection in accordance with  
39 section 2-183(e) of the Tallahassee Code.

