

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~~

CODING: Words in ~~struck through~~ type are deletions from existing language; words underlined are additions.

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

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

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

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

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

TABLE 1

Urban Core District	
<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)

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

TABLE 2

Residential Property	
<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)
Non-Residential	
<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)

(c) ~~Sound level measurements.~~

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

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

Section 3. Section 12-96 of the Tallahassee Code of General Ordinances is amended to read as follows:

Sec. 12-96. Enforcement.

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

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

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

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

(4) In the event that a police officer or code enforcement officer is refused entrance or access to the property which is the site source of sound in violation of section 12-94, or if a police officer or code enforcement officer is unable to determine the person responsible for the excessive sound, a citation may be issued for violation of section 12-94 without notice or opportunity for voluntary compliance pursuant to this subsection.

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.

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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.

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20 ~~(cd)~~ 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.

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25 ~~(fe)~~ 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.

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30 ~~(gf)~~ A fine of ~~\$2450.00~~ shall be imposed for a first violation; ~~\$3250.00~~ 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.

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37 ~~(hg)~~ 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.

Section 4. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 6. Effective Date. This ordinance shall become effective immediately upon passage.

INTRODUCED in the City Commission on the 16th day of February, 2022.

PASSED by the City Commission on the 9th day of March, 2022.

CITY OF TALLAHASSEE

By: _____
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
Cassandra K. Jackson
City Attorney