

CHAPTER 48: NOISE CONTROL

Section

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§ 48-1. UNUSUAL AND LOUD NOISE PROHIBITED.

It shall be unlawful, except as expressly permitted in this chapter, to make, cause or allow the making of any noise or sound in such a manner as to create a noise disturbance.

(Ord. 2024-06, adopted 2-19-25)

§ 48-2. DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this chapter which is not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dBA.

AMBIENT NOISE. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

BUILDING LINE. An imaginary line extending at a 90-degree angle from the right-of-way to the nearest corner of a building.

C-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the C-weighted network. The level so read is designated dBC.

DECIBEL. A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micrometers per square meter.

EMERGENCY WORK. Any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or eminent peril.

NOISE DISTURBANCE. Any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

For purposes of this definition, any sound that exceeds the maximum permissible sound levels set forth in Section 48-4 of this chapter shall constitute a noise disturbance per se. It is the intent and purpose of this definition that sounds that either meet the aforesaid criteria or exceed the sound levels in Section 48-4 shall constitute a violation of this chapter.

ORIGINATING PROPERTY. The property from which any sound originates.

RECEIVING PROPERTY. Property into which any sound is projected other than the originating property.

SOUND LEVEL. The weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in American National Standards Institute specifications for sound level meters, ANSI S1.4-1983, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER. An instrument, which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The output meter reads sound pressure levels when properly calibrated, and the instrument is to type 2 or better, as specified in the American National

Standards Institute Publications, S1.4-1983, or its successor publications.

SOUND PRESSURE LEVEL. 20 times the logarithm to the base ten of the ratio of the RMS sound pressure level to the reference of 20 micronewtons per square meter.

TESTING PROTOCOL. Shall be at least two 15 second readings taken from a receiving property as provided herein. In cases where the town has received a complaint regarding sound levels, the readings shall be taken from the property from which the complaint is made, if known. In cases where the town has received no complaint or where the location of the complainant is not known, the readings shall be taken from the right-of-way adjacent to the nearest developed receiving property to the originating property from approximately the point at which the building line nearest to the originating property intersects the right-of-way.

TOWN MANAGER. The Town Manager of the Town of Melbourne Beach or the manager's designee.

(Ord. 2024-06, adopted 2-19-25)

§ 48-3. MEASUREMENT OF SOUND.

Standards, instrumentation, measurement procedures, and instrumentation maintenance used in the measurement of sound shall be in accordance with ANSI S1.4-1983 or its successor publications. Town personnel that will be taking sound level measurements shall be trained to use sound testing devices.

(Ord. 2024-06, adopted 2-19-25)

§ 48-4. MAXIMUM PERMISSIBLE SOUND LEVELS IN RESIDENTIAL USE CATEGORY.

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 that exceeds the sound level limits listed in Table 1 when measured beyond the originating property's property line. Sound or noise projecting from one zoning district into another zoning district with a different decibel level limit shall not exceed the limits of the zoning district into which the noise is projected when measured from within such receiving zoning district. Sound pressure levels in excess of those established in Table 1 shall constitute prima facie evidence that such sound is in violation of this chapter. The sound shall be measured using the "A" and "C" scale in slow time constant. In circumstances where the ambient noise level is equal to or exceeds the sound pressure levels established in Table 1, the ambient noise level shall represent the maximum sound pressure level for purposes of performing the measurement provided for herein.

TABLE 1
MAXIMUM SOUND LEVELS FOR RESIDENTIAL USE CATEGORY

Use Occupancy Category	Time	Maximum Sound Level Limit- dBA	Maximum Sound Level Limit- dBC
Residential ¹	7:00 a.m.- 10:00 p.m.	60	65
	10:00 p.m.- 7:00 a.m.	55	60

¹The town's zoning map shall be relied upon for purposes of defining residential use properties.

(Ord. 2024-06, adopted 2-19-25)

§ 48-5. NOISE LEVEL EXEMPTIONS.

- The following uses and activities shall be exempt from this article's noise level regulations except as listed in Table 1.
- (a) Air conditioners when functioning in accord with the manufacturers' specifications, standard mufflers and noise-reducing equipment in use and in proper operating condition according to standards promulgated by the American Refrigeration Institute. The same exception shall apply to lawn mowers, landscaping equipment, and agricultural equipment during daylight hours.
 - (b) Non-amplified crowd noises resulting from activities such as those planned by student, governmental or community groups.
 - (c) Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with the manufacturers' specifications and with all standard equipment, mufflers and noise-reducing equipment in use and in proper operating condition.
 - (d) Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches.
 - (e) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

(f) Noises resulting from emergency work including the operation of a generator.

(g) Any other noise resulting from activities of a temporary duration permitted by law and for which a permit therefore has been granted by the city in accordance with this chapter. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in this chapter.

(h) Noises made by persons having obtained a permit to use the streets.

(i) All noises coming from the normal operations of aircraft (not including scale model aircraft).

(j) Motor vehicles defined in F.S. Ch. 316.

(k) All noises generated by the Town and its agents and/or from Town sponsored events.

(l) All noises generated during the July 4th holiday from fireworks.

(Ord. 2024-06, adopted 2-19-25)

§ 48-6. OTHER NOISE.

(a) With the exception of those exemptions provided by state law, noises prohibited by this section are unlawful, notwithstanding the fact that no violation of Section 48-4 is involved. and notwithstanding the fact that the activity complained about is exempted in Section 48-5.

(b) Thus, the following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter:

(1) The sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning;

(2) The creation by means of any signaling device of any unreasonably loud or harsh sound;

(3) The sounding of any signaling device for any unnecessary or unreasonable period of time; and the unreasonable use of any signaling device.

(Ord. 2024-06, adopted 2-19-25)

§ 48-7. SPECIAL PERMITS FOR RELIEF OF MAXIMUM ALLOWABLE NOISE LEVELS.

(a) Applications for a special permit for relief from the maximum allowable noise level limits designated in this chapter may be made in writing to the Town Manager. Any special permit granted by the Town Manager hereunder must be approved in writing prior to issuance of a special permit and shall contain all conditions upon which said special permit shall be effective.

(b) The Town Manager may grant the relief as applied for under the following conditions:

(1) The Town Manager may require the applicant to exhaust all technically reasonable abatement measures before a special permit is issued. These abatement measures shall be selected and installed by the applicant at his/her own risk.

(2) Special permits may be granted for the purpose of entertainment that exceeds the maximum allowable noise levels established in this chapter under the following conditions:

a. The function must be open to the public (admission may be charged).

b. The function must take place on public property.

c. The special permit will be given for only four hours in one 24-hour day.

d. The function shall be staged between the hours of 8:00 a.m. and 8:00 p.m.

(3) Special permits for non-entertainment special purposes may be issued under any of the following conditions:

a. If the special purpose relates to the operation of a trade or business, that the special purpose not be in the ordinary course of that trade or business; or if the special purpose does not relate to the operation of a trade or business, that the special purpose not be an ordinary event in the affairs of the applicant;

b. If the special purpose is a recurring purpose. that it not recur more often than four times each calendar year;

c. That the special purpose be absolutely necessary to the operation of the applicant's trade or business; or if the special purpose does not relate to the operation of the trade or business, that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur;

d. Except in emergency situations, as determined by the Town Manager, the special permit may be issued only four hours between 8:00 a.m. and 8:00 p.m. on weekdays; or

e. Special permits may be issued for no longer than 15 consecutive days, renewable by further application to the Town Manager.

(4) No special permit shall be issued to permit the use of any loudspeaker or sound amplifying device on the exterior of any building, which at any time exceeds the sound level limits in Table 1, except those used for emergency warnings.

(Ord. 2024-06, adopted 2-19-25)

§ 48-8. PENALTIES.

(a) Each violation of this chapter shall carry the following civil penalties:

- (1) First violation within a 180-day period, a written warning and notice to cure.
- (2) Second violation within a 180-day period, a citation in the amount of \$250.
- (3) Third and subsequent violations within a 180-day period, a citation in the amount of \$500.

(b) Whenever any police officer commissioned by the Town of Melbourne Beach or the Code Enforcement Officer of the Town of Melbourne Beach has reason to believe that any person is in violation of any provision of this chapter, it shall be cause for the issuance of a notice of violation.

(Ord. 2024-06, adopted 2-19-25)

§§ 48-9. – 48-99 RESERVED.