

ARTICLE 9

OPERATIONAL PERFORMANCE STANDARDS

9.00.00 GENERAL

9.00.01 Purpose and Intent

9.00.02 Applicability

9.01.00 NOISE

9.01.01 Instrumentation

9.01.02 Maximum Permissible Sound Levels

9.01.03 Exemptions

9.01.04 Noises Prohibited; Unnecessary Noise Standard, Statement of Intent, Sworn Complaint Standard

9.01.05 Variances and Permits

9.02.00 VIBRATION

9.02.01 General

9.02.02 Locational Requirements

9.03.00 AIR POLLUTION AND ODOR

9.04.00 DEBRIS, INSECT AND RODENT CONTROL

9.05.00 ELECTROMAGNETIC INTERFERENCE

9.06.00 GLARE AND HEAT

9.07.00 FIRE AND EXPLOSIVE HAZARDS

ARTICLE 9

OPERATIONAL PERFORMANCE STANDARDS

9.00.00 GENERAL

9.00.01 Purpose and Intent

The purpose of this section is to provide appropriate standards for the objective measurement of potential nuisances within the City: to ensure that the community is protected by requiring methods to control or eliminate the hazards and nuisances; to protect potential uses from arbitrary exclusion or persecution based solely on perceived harm or past reputation.

9.00.02 Applicability

These standards shall apply to all uses and operations within the City of Lake Helen.

9.01.00 NOISE

Unless otherwise defined, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

9.01.01 Instrumentation

The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute, SI. 4 American National Standard Specifications for Sound Level Meters. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source.

- A. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used at all times.
- B. The slow meter response of the sound level meter shall be used in order to best determine the average amplitude.
- C. The measurement shall be made at any point on the property into which the noise is being transmitted and shall be made at least three (3) feet away from any ground, wall, floor, ceiling, roof and other plane surface.

- D. In case of multiple occupancy of a property, the measurement may be made at any point inside the premises to which any complainant has right of legal private occupancy; provided, that the measurement shall not be made within three (3) feet of any ground, wall, floor, ceiling, roof, or other plane surface.
- E. All noise measurements provided for in this article shall be made by the designated officials of the City who are qualified to operate the apparatus used to make the measurements as provided for in this article.

9.01.02 Maximum Permissible Sound Levels

A. Maximum Sustained Sound By Land Use

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below,

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit dBA
Residential	7 a.m. – 10 p.m.	61
	10 p.m. – 7 a.m.	55
Commercial	7 a.m. – 11 p.m.	66
	11 p.m. – 7p.m.	60
Industrial	7 a.m. – 11 p.m.	71
	11 p.m. – 7 a.m.	65

These levels may not be exceeded for more than three (3) cumulative minutes out of any continuous sixty (60) minute period.

B. Noise Level Limits in dBA

The following limits are in effect which if exceeded will have a high probability of producing permanent hearing loss in anyone in the area where the noise levels are being exceeded. No noise shall be permitted within the City which exceeds these limits.

Permissible Noise Exposures

Duration per day, continuous hours	Noise Level dBA
8	90
6	92
4	95
3	97
2	100
1 ½	102
1	105
½	110
¼ or less	115

When the daily noise exposure is composed of two (2) or more periods of noise exposure at different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C1/T1 + C2/T2 \dots Cn/Tn$ exceeds unity, then, the mixed exposure should be considered to exceed the noise level limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level.

If the device producing the noise level cannot be toned down below the permissible levels, then protection should be provided for those in the area of the noise. The protection must reduce the noise level to below the permissible limits and must not, itself, produce a safety hazard. Procedures must exist which guarantee that the people in the area of the noise will use the protection.

9.01.03 Exemptions

The following activities or sources are exempt from these noise standards:

- A. Activities covered by the following: emergency signaling devices, air-conditioning and air-handling equipment for residential purposes, refuse collection vehicles.
- B. From 7 a.m. to 9 p.m. 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 the government; providing such equipment is operated in accord with the manufacturer's specifications and with all manufacturer's mufflers and noise reducing equipment in use in a proper operating condition.
- C. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying

of hounds, or other normal sounds of reasonably cared for agricultural or domestic animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation.

- D. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- E. Construction or routine maintenance of public service utilities.
- F. Houses of worship bells or chimes in conjunction with religious services.
- G. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work

9.01.04 Noises Prohibited; Unnecessary Noise Standard, Statement of Intent, Sworn Complaint Required

- A. Some sounds may be such that they are not measurable by the sound pressure level meter or may not exceed the limits of measurements listed herein, but they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city.
- B. Noises prohibited by this section are unlawful notwithstanding the fact that no violation of any section prior hereto is involved, and notwithstanding the fact that the activity complained about is exempted in 9.01.03.
- C. The following acts, among others are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:
 - 1. Horns, signaling devices, etc. The sound of any horn or signaling device on any automobile, motorcycle bus or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.
 - 2. Radios, televisions, phonographs, etc. The using, operating or permitting to be played used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person(s) who are in the room, vehicle or

chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violate of this section.

3. Animals, birds, etc. The keeping of any animals or bird which causes frequent or long continued noise which is plainly audible at a distance of one hundred (100) feet from the building or structure in which the animal or bird is located.
- B. Any person making a complaint under this section shall be required to sign a sworn complaint prior to an arrest being made, otherwise no such complaint will be honored. Before any arrests being made, the law enforcement officer shall issue a warning to the offending person or persons and advise the person or persons of the violation and the possible penalty if they fail to reduce or eliminate the noise. Anyone who violates this section shall be guilty of a misdemeanor of the 2nd degree punishable by a fine not exceeding five hundred dollars (\$500.00).

9.01.05 Variances and Permits⁹

Applications for a permit for relief from the maximum allowable noise level limits may be made in writing to the City Clerk. This does not apply to the Permissible Noise Exposures detailed in section 9.01.02 B. Any permit granted by the City Clerk must be in writing and shall contain all conditions upon which the permit shall be effective. The City Clerk may grant the relief as applied for under the following conditions:

A. Entertainment

Permits for entertainment may be granted under the following conditions:

1. The function must be open to the public (admission may be charged).
2. The function must take place on public property or with permission of the City Commission on private property.
3. The permit will be given for only four (4) hours in one twenty-four hour day unless waived by the City Commission.
4. The function must be staged between the hours of 9:00 a.m. and

⁹ **Cross-reference** – Article 13, Nonconforming Development, Variances, Special Exceptions, Changing Land Use (Rezoning), Section 13.02.00 Variances

11:00 p.m.

B. Non-entertainment

Permits for non-entertainment special purposes may be issued under the following conditions:

1. 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.
2. If the special purpose be a recurring purpose, that it not recur more often than four (4) times each calendar year.
3. That the special purpose be absolutely necessary to the operation of the applicant's trade or business.
4. Except in emergency situations, as determined by the City Clerk, the permit may be issued only for hours between 9:00 a.m. and 11:00 p.m.
5. Permits may be issued for no longer than one week, renewable by further application to the City Clerk and City Commission.

C. Additional Conditions

The City Clerk may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound attenuating devices.

D. Use of Sound Devices

No permit may be issued to permit the use of any loudspeaker or sound device which at any time exceeds the noise level limits prescribed in section 9.01.02 A. except those used for emergency warnings.

9.02.00 VIBRATION

9.02.01 General

Vibration which recurrently generated and perceptible to the normal senses, without instruments, is prohibited.

9.02.02 Locational Requirement

Vibration shall be determined along or beyond the property line of the site on which the use is located.

9.03.00 AIR POLLUTION AND ODOR

A. Smoke and Particulate Matter Standards

All uses shall comply with standards set forth in the rules and regulations of the Florida Department of Environmental Regulation as amended to date, or hereafter amended. No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation. Open burning shall be permitted but only in strict compliance with the requirements established by the Fire District established in Sections 20.02.00 – 20.02.03 (Fire District) of the Lake Helen Code.

B. Toxic Gases, Fumes, Vapors and Matter

All uses shall comply with standards as set forth in the rules and regulations of the Florida Department of Environmental Regulations as amended to date, or hereafter amended.

9.04.00 DEBRIS, INSECT, AND RODENT CONTROL

A. Premises

All premises shall be maintained free of insect and rodent harborage and infestation. Examination methods and other measures to control insects and rodents shall conform with the requirements of the county health authority. The premises shall be maintained free from accumulation of debris and litter.

B. Site

Lots and parcels, either improved or unimproved, shall be maintained free from accumulation of debris and litter.

9.05.00 ELECTROMAGNETIC INTERFERENCE

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

9.06.00 GLARE AND HEAT

No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

9.07.00 FIRE AND EXPLOSIVE HAZARDS

In all land use districts in which the storage, use or manufacture of flammable, combustible, or explosive materials occurs, the applicable standards of the National Fire Protection Association shall apply.