

City Code Section 11 -Noise Ordinance

This quick reference guide has been developed to assist officers with conducting investigations related to noise ordinance violations within the City. It is simply a tool and does not address every type of noise complaint an officer may encounter. Each officer is strongly encouraged to fully document their actions and observations in a police report in an effort to attain successful prosecution. As with every other investigation, the officer should consult with his/her supervisor if there are any questions.

The majority of noise complaints the police department responds to are related to music coming from a private residence, a bar, or a vehicle. Therefore, this guide will focus on these points. See the entire ordinance for enforcing other noise complaints such as birds, lawn or power tools, and air conditioners to name a few. Unamplified human voice is not a violation of the noise ordinance!

Determine first what is making the noise and where the noise is coming from.

- Is it a radio, band, bird, muffler, lawn tool, vehicle, air conditioner, etc?
- Is the noise coming from within a building or from an outdoor place?
- If outdoor place, is it publicly or privately owned? Residential or Non-Res?
- Is the noise coming from a motor vehicle? Is vehicle in roadway, or is it on a publicly owned place or a privately owned place?

Once these questions are answered, refer to the current Florida Law Enforcement Handbook (City Ordinance Section) or access Municode through the Web Links / Ordinances on the CARS homepage to determine the correct section to apply. Note - this ordinance, as any, is subject to revision. Officers should ensure they consult the current ordinance prior to taking any enforcement action. Below is a summary of portions of the ordinance to date.

**Fine Schedule for Noise Ordinance Violations are Class I fine classification.
\$ 205.00 fine plus \$ 13.00 costs = \$ 218.00**

Sec. 11-47 Definitions

See Sec. 11-47 for definitions related to the Noise Ordinance. Some of the more important definitions are;

Loud and raucous noise means any sound which because of its volume level, duration or character annoys, disturbs, jars, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of ordinary sensibilities.

Noise disturbance means any sound that:

- 1) Endangers or injures the welfare, safety or health of humans or animals;
- 2) Endangers or injures personal or real property;

- 3) Annoys or disturbs a reasonable person of normal sensitivities; or
- 4) Is loud and raucous.

Plainly audible means any sound produced by a source, which can be heard by any reasonable person of ordinary sensibilities using his or her unaided hearing faculties. Measurement standards shall be the auditory senses. Words or phrases need not be discernible and low frequency sound reverberations are included.

Sec. 11-49 Exemptions See Sec. 11-49 for exemptions to the Noise Ordinance.

Sec. 11-51 Noise disturbances prohibited

It shall be unlawful for any person to make, continue or cause to be made or continued any noise disturbance or any loud and raucous noise within the limits of the City. This section should only be used if no other provision of the article applies.

Sec. 11-53 Loud, raucous and unnecessary noises enumerated.

The following acts, among others, and the causing thereof, are declared to be loud, raucous, disturbing, and/or excessive noise, and therefore unlawful and in violation of this article: * Most complaints will fall under this section.

1) Motor vehicles

Sound that is plainly audible at a distance of 50 feet or more from the motor vehicle to any person, other than the occupants, between the hours of 8:00 a.m. and 11:00 p.m. The distance drops to 25 feet or more between the hours of 11:00 p.m. and 8:00 a.m. This section addresses noise emanating from motor vehicles in the vehicular travel portion of the right of way (roadway) and parking areas in the ROW. It applies to any motor vehicle on the roadway whether moving, idling, or parked. It does not apply to a vehicle located off of the roadway/ROW. Use subsections 2 or 4 for those violations (e.g. motor vehicle parked in front yard, driveway, parking lot), determine location of vehicle and confirm time/distance allowed. See ordinance for exceptions to this section.

2) Publicly owned outdoor places including right of way (ROW) -

Applies to parks, playgrounds, beaches, recreation areas, and ROW

A-B) Activities with no park or street closure permit - sound that is plainly audible to any person at a distance of 200 feet or more from the source of the sound between 8:00 a.m. and 11:00 p.m. This distance drops to 50 feet or more between the hours of 11:00 p.m. and 8:00 a.m.

C) Activities with a park or street closure permit - sound that is plainly audible to any person at a distance of 5000 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. This distance is intended for permitted outdoor concerts and other large gatherings. This distance may be reduced by the permit issuer and shall be specifically identified in the permit.

D) City sponsored and co-sponsored activities (e.g. Get Downtown, Ribfest, Bluesfest, Chillounge, etc.) shall comply with any conditions of the sponsorship or co-sponsorship which place a specific, lesser distance limitation on any amplified sound.

3) **Buildings** - sound that is plainly audible to any person at a distance of 25 feet or more (in a residential area) or 100 feet or more (in a nonresidential area) from the building between 11:00 p.m. and 8:00 a.m. This distance increases to 500 feet or more between the hours of 8:00 a.m. and 11:00 p.m. in a residential area.

Note: Sound which may escape a building during the normal use of doors for ingress and egress shall not be a violation of this section.

4) **Privately-owned outdoor places (including privately owned parking lots)**

A) Nonresidential - sound that is plainly audible to any person at a distance of 100 feet or more from the source of the sound between 11:00 p.m. and 8:00 a.m.

B) Nonresidential, when sound is not principal use of property (e.g. outdoor deck of a restaurant) - sound that is plainly audible to any person at a distance of 1000 feet or more from the source of the sound between 8:00 a.m. and 11:00 p.m. (12:00 midnight on Fridays, Saturdays and the days before a national holiday, an exception to subsection 4a).

C) Performance venue (e.g. Jannus Live) - sound that is plainly audible to any person at a distance of 3000 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. (12:00 midnight on Fridays, Saturdays and the days before a national holiday, an exception to subsection 4a).

D-E) Residential (e.g. house party with outdoor band, outdoor speakers, car in front yard) - sound that is plainly audible to any person at a distance of 500 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. The distance drops to 25 feet or more from the source of the sound between 11:00 p.m. and 8:00 a.m.

F) For the purpose of this section, the sound shall be deemed to be outdoors if the musical instrument or speakers are not located within a building or other structure which is fully enclosed by walls and a roof and all doors and windows are closed.

Sec. 11-54 Sound levels by receiving land use

This section pertains to sound that is plainly audible at the boundary of a receiving land use and that violates the time or distance requirements set forth in this section. The sounds regulated in Sec. 11-53 are not subjected to the restrictions of this section.

St. Petersburg Noise Ordinance

*Reference Guide for Officers
January 1, 2014*



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