

ORDINANCE NO. 8570-14

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO NOISE; AMENDING SECTION 3-1508 A, CLEARWATER COMMUNITY DEVELOPMENT CODE, TO CLARIFY THE PROHIBITED NOISES; AMENDING SECTION 3-1508 B 5, TO CLARIFY THE PROHIBITED SOUND THAT IS EMITTED BY RADIOS, AMPLIFIERS, AND OTHER SOUND PRODUCING DEVICES; AMENDING SECTION 3-1508 D TO CLARIFY THE SOUNDS RELATING TO THE EXISTENCE OF AN EMERGENCY AND THE PROCEDURES FOR OBTAINING A SPECIAL EVENT PERMIT AND TO DELETE THE EXCEPTION PERTAINING TO RELIGIOUS WORSHIP ACTIVITIES; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. Section 3-1508 A, Section 3-1508 B 5, and Section 3-1508 D, Clearwater Community Development Code, are amended to read as follows:

Section 3-1508. Noise.

- A. *Prohibited generally.* It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise that through unaided, ordinary auditory senses can be heard upon the public streets, sidewalks, or rights-of-way, in any public park, in any school or public building, in any church or hospital, or in any occupied dwelling and that can be heard at a distance of 100 feet or more from the source of the noise, measured in a straight line from the radio, loudspeaker, motor, horn, or other noise source. The term "loud and raucous noise" shall mean any sound which because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city. The term includes, but is not limited to, the kinds of loud and raucous noise generated by the activities enumerated in subsection B when the loud and raucous noise through unaided, ordinary auditory senses can be heard at a distance of 100 feet or more from the source of the noise, measured in a straight line from the radio, loudspeaker, motor, horn, or other noise source, but not including activities enumerated in subsection D of this section. It is the intent of this section to regulate unreasonably excessive noise and not to interfere with or unduly burden the exercise of a person's freedom of speech, expression, or religion.

B. The following noises, as limited by Section 3-1508 A, are declared to be public nuisances in violation of this section:

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5. *Radios, amplifiers, phonographs, etc.* ~~The~~ Using, operating or permitting to be played, used or operated any radio, amplifier, musical instrument, phonograph, music player, or other device for the producing or reproducing of sound such that the speech or music, including a rumbling or reverberating rhythmic bass type sound, emitted by the device creates ~~is identifiable in terms of words or melody so as to create~~ a loud and raucous noise.

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D. *Exceptions.* The term "loud and raucous noise" does not include noise or sound generated by the following:

~~1. Cries for emergency assistance and warning calls;~~

~~1.2. Radios, sirens, horns and bells on police, fire and other emergency response vehicles, including the emission of any other sound for the purpose of alerting a person of the existence of an emergency;~~

~~2.3. Parades, fireworks displays, outdoor music performances and other special events for which a permit has been obtained from the City pursuant to Division 2, Article III of Chapter 22, Clearwater Code of Ordinances, within such hours as may be imposed as a condition for the issuance of the permit;~~

~~3.4. Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent;~~

~~4.5. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm;~~

~~6. Religious worship activities occurring on or in the premises owned or leased by places of worship, including but not limited to bells and organs;~~

5.7. Locomotives and other railroad equipment, and aircraft.

Section 2. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

JUL 17 2014

PASSED ON SECOND AND FINAL
READING AND ADOPTED

AUG 07 2014

- George N. Cretekos

George N. Cretekos
Mayor

Approved as to form:

Robert J. Surette

Robert J. Surette
Assistant City Attorney

Attest:

Rosemarie Call

Rosemarie Call
City Clerk

