

ORDINANCE NO. 53

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, CLASSIFYING, REGULATING AND/OR PROHIBITING CERTAIN NOISES IN SAID TOWN AND FIXING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA:

Section 1. The purpose of this Ordinance is to control noises and the nuisance thereby created in such a manner as to cause the least hardship or offense to the greatest number of people.

Section 2. PROHIBITED NOISES: The following noises and other noises of the same characteristics, intensity and/or annoyance shall be prohibited at all times and at all places within the limits of the Town Of Golden Beach.

1. The sounding of any horn or signal device on automobiles, motorcycles, buses or other vehicles while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after, or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable long or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

2. The keeping of any animal or bird which by causing frequent or long continued noises shall disturb the comfort and repose of any person in the vicinity.

3. The use of any automobile, motorcycle or vehicle so out of repair so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises.

used directly in connection with events or functions of a public or civic nature conducted in public parks or on other public property; and provided further, that nothing herein shall be deemed to apply to wired music systems where the maximum volume of sound therefrom is controlled by the central station of the operator of such wired music system and the volume of sound therefrom is not in excess of plus 12 decibels with a 6 milli-watt reference level measured across a 500 ohm line, provided that said wired music systems shall be operated only between the hours of 11:00 o'clock A.M. and 5:00 P.M.

12. The operation of any air-conditioning, mechanical, ventilating, or refrigerating equipment in such condition or in such a manner as to cause noises which disturb the peace and quiet of the neighborhood.

13. The use of any mechanical loudspeakers or amplifiers in any moving airplane or any other kind of aircraft over any part of the Town Of Golden Beach, Florida, for advertising or other purposes.

SECTION 3: RESTRICTED NOISES: Other noises, because of their nature and characteristics shall be grouped as follows for the purpose of control and restrictions:

Group "A" Steam, gasoline or oil operated cranes, pile-drivers, excavators, dredges, ditchers and all other similar machinery; one cylinder steam or internal combustion engines (horizontal or vertical); air compressors and pneumatic riveting machines, jacksamers, drills and other similar air equipment; power band and circular saws working in the open; hand hammers on steel or iron (structural, rivets or otherwise) and all other noises of similar intensity and/or annoyance.

Group "B" Stationary or portable concrete mixers (engines multi-cylindrical and properly muffled); power band and circular saws, sanders, planers, grinding machines, drills, barbenders and cutters and similar machinery when enclosed; hand operations in connection with plumbing, electrical, roofing and framing work in the open.

Group "C" Transit concrete mixers (engined multi-cylindrical and properly muffled) operated to cause the least possible noise; hand operations in connection with plumbing, electrical, roofing and framing work when enclosed; hand loading and unloading and the hauling of building materials and other similar heavy trucking; masonry work and the hand mixing of mortar; plastering and the hand mixing of plaster; painting; glazing; landscaping and all other noises of similar intensity and/or annoyance.

Group "A", "B" and "C" noises to be considered enclosed shall originate within the exterior walls of a building.

SECTION 4: PERIODS: For the purpose of controlling "Restricted Noises" the year shall be divided into two periods as follows:

Period No. 1 Period No. 1 shall begin with and include December 1st and shall include and end with April 30th, which period being the months of greatest population shall be most restricted.

Period No. 2. Period No. 2 shall begin with and include April 1st and shall include and end with November 30th; which period being the months of least population shall be least restricted.

SECTION 5: The "Restricted Noises" set forth in Section 3 of this ordinance are hereby prohibited at any location and at any hour on Sundays and the hours on week days during which said "Restricted Noises" of the various classifications, regardless of location, are hereby prohibited are as follows:

	Group "A"	Group "B"	Group "C"
During period 1 from	5:30 PM	5:30 PM	5:30 PM
to	9:00 AM	9:00 AM	9:00 AM
During period 2 from	6:00 PM	11:00 PM	11:00 PM
to	7:00 AM	7:00 AM	7:00 AM

SECTION 6: The "Restricted Noises" included in Groups "A" and "B", as set forth in Section 3 of this ordinance are hereby prohibited within 150 yards of the nearest point of any building occupied as a Residence, at all hours during the period of time referred to and described in Section 4 of this ordinance as Period No. 1.

SECTION 7: EXCEPTIONS:

1. The requirements of this Ordinance shall not be construed to prevent the operation of automobiles or light delivery vehicles at any time; provided, however, that such motor vehicles shall at all times be properly muffled and shall be so operated as to create the least possible noise or nuisance.

2. The Town Manager shall have the right to waive any or all of the requirements herein in cases of emergency where the welfare of persons or property may be jeopardized by their strict enforcement.

SECTION 8: PENALTIES:

Violators of any of the provisions of this Ordinance shall be punishable upon conviction, by a fine of not more than \$150.00 or imprisonment of not more than 10 days or by both. Each separate violation shall be considered as a separate offense and may be punishable as such.

SECTION 9: LEGALITY:


If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in effect as if the unconstitutional portion or portions have not been included.

SECTION 10: EFFECTIVE DATE:

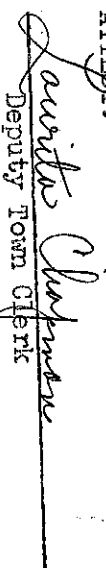
This Ordinance shall be an Emergency Ordinance to be in full force and effect from and after the date of its final passage and approval.

SECTION 11: All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are hereby repealed.

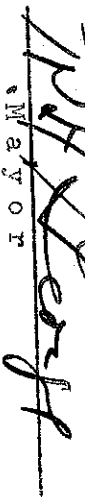
PASSED AND ADOPTED THIS 13th DAY OF FEBRUARY, A.D. 1952


President, Town Council

ATTEST:


Deputy Town Clerk

APPROVED THIS 13th DAY OF FEBRUARY, A.D. 1952


Mayor

Passed first reading February 13th, 1952

Passed second reading February 13th, 1952

Passed third reading February 13th, 1952