

Sec. 26-192. - Unreasonably excessive noise prohibited.

- (a) *Prohibition of unreasonably excessive noise.* It shall be unlawful for any person(s), to permit, cause, allow, amplify, create, emit, or sustain unreasonably excessive noise on any property, including air space thereof, located in the City of Key West. Unreasonably excessive noise shall be that noise which exceeds the noise limitations set forth in subsection (b).
- (b) *Noise limitations.*
- (1) Within a core commercial district as defined in this article, the maximum dBA and dBC sound levels permitted on any property located therein shall be as follows:
- The average measurement taken between ten (10) and twenty (20) seconds shall be no greater than the maximum levels set out below. The measurement shall be taken from the sound source property line, or individual lease boundary in the case of property which has been subdivided by the execution of individual leases, of the noise generating property:
- a. Eighty-five (85) dBA or ninety-four (94) dBC between the hours of 11:00 a.m. and 2:59 a.m.
- b. Seventy-five (75) dBA or eighty-four (84) dBC between the hours of 3:00 a.m. and 10:59 a.m.
- (2) In any residential or commercial district as defined in this article, a decibel meter shall be used for a complaint of unreasonable noise made at or within 100 feet of the property line of the sound source. The decibel reading shall be made at the location of the complaint. The investigating officer shall issue a citation for unreasonably excessive noise, unless in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.
- (3) A complaint of disturbing noise may be made when the location of the complaint is beyond 100 feet of the property line of a commercial district property sound source. Additionally, a complaint of disturbing noise may be made when the location of the complaint is a residential property and the location of the sound source is a residential property at any distance from each other. A decibel meter measurement is not required to determine disturbing noise. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property. The investigating officer may issue a warning if in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment in any six (6) month period.
- (4) If a complaint arises of unreasonably excessive noise emanating from a multistory structure, the determination of whether such sound constitutes unreasonably excessive noise shall be made from a story height equal to that of the sound source or from the nearest accessible point on the ground floor.

(Code 1986, § 55.02(a); Ord. No. 14-06, § 4, 4-22-2014)

Sec. 26-193. - Exceptions.

The prohibitions contained in this article shall not apply to the following:

- (1) Emergencies. The emission of sound for the purpose of alerting persons to the existence of an emergency or emergency vehicle or to the performance of emergency work.
- (2) Church bells and chimes.
- (3) Construction/demolition. Sound levels produced from tools and equipment in commercial construction, demolition, drilling, or reasonably similar activities. However, such sound levels are limited to the hours of 8:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. The tools and equipment must be muffled and maintained equal to the functional standards of the industry. No exceptions contained in this subsection shall apply on Thanksgiving Day, Christmas Day and New Year's Day.

- (4) Domestic power tools. Sound levels produced from any hand-powered or mechanically powered saw, sander, drill, grinder, lawn/garden tool or reasonably similar tools. However, to be lawful, sound producing the use must conform to industry standards for the equipment and must occur only between 8:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday and Sunday only.
- (5) Public events. Sound levels from public events and celebrations sponsored by the city or approved by resolution of the city commission, but only during the hours designated by the resolution.
- (6) Government radio transmissions. Sound levels from equipment used by police, fire, and other city department radio or emergency equipment, and from similar equipment used by other government agencies in performance of official duties.
- (7) Public address systems. Sound levels from public address broadcast systems used in public stadiums, ballfields, parks and schoolyards.
- (8) Sunset celebration. Sound levels produced by performers engaged in activities sponsored by the city's lessee at Mallory Square Dock during sunset celebration.
- (9) Industrial equipment. Noise levels for industrial equipment, including, but not limited to, air conditioners, generators, and pool pumps, must be set to reasonable industry standards for properly maintained equipment.
- (10) Sound created by safety and protective devices, emergency equipment, including, but not limited to, emergency standby or backup equipment, necessary in the interests of the health, safety and welfare of the community.

(Code 1986, § 55.03; Ord. No. 12-30. § 1, 9-18-2012; Ord. No. 14-06, § 5, 4-22-2014)