

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)

Sec. 26-199. - Temporary waiver.

- (a) Any person who owns or operates a sound source, or intends or desires to operate or maintain a sound source, for one of the following purposes may apply for a temporary waiver from the city commission:
 - (1) Private or public celebrations in accordance with the requirements of City Code of Ordinances section 6-86;
 - (2) Nighttime construction projects; or
 - (3) Homeowner construction projects.
- (b) Applications for a permit for a temporary waiver shall supply information including, but not limited to:
 - (1) The nature and location of the noise source for which such application is made;
 - (2) The reason for which the permit for temporary waiver is requested, including the hardship, if any, that will result to the applicant or the public if the permit for temporary waiver is not granted;
 - (3) The nature and intensity of noise that will occur during the period of the temporary waiver;
 - (4) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom; and
 - (5) The name, address and means of contacting a responsible party during the hours of operation for which the permit for temporary waiver is issued.
- (c) The city commission may charge the applicant a fee established by resolution of the city commission to cover expenses resulting from the processing of the permit of temporary waiver application.
- (d) In making the determination on granting a temporary waiver, the city commission shall consider:
 - (1) The character and degree of injury to, or interference with, the health and welfare of the reasonable use of adjacent property which is caused or threatened to be caused by the sound to result from the permit for temporary waiver;
 - (2) The social and economic value of the activity for which the temporary waiver is sought; and
 - (3) The ability of the applicant to apply best practical noise control measures.
- (e) The permit of temporary waiver shall enumerate the conditions of the waiver, including, but not limited to:
 - (1) Specific location, dates and times for which the temporary waiver is valid;
 - (2) Sound level limits which shall not be exceeded at the nearest affected residential property;