

JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD

RULE 4 NOISE POLLUTION CONTROL

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**RULE OF THE
JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD
RULE 4
NOISE POLLUTION CONTROL**

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JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD
RULE 4
NOISE POLLUTION CONTROL

Rule 4 - Noise Rules to Implement, Administer and Enforce Chapter 368 Ordinance Code.

PREFACE - The Jacksonville Environmental Protection Board adopts these rules for the City of Jacksonville with respect to Noise Pollution Control. The specific authority for adopting these rules is found in Section 100.21, Section 368.105, Section 368.201, Section 368.202, and Section 73.102 Ordinance Code. The law implemented is Chapter 368 Ordinance Code.

[History: Effective 7-1-86 amended 6-24-87, 4-25-95]

PART I
GENERAL PROVISIONS

4.101 Definitions

Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in these rules shall be in conformance with those contained in American National Standards Institute (ANSI) 1.1-1960 "Acoustical Terminology". As used in Rule 4, the following terms mean:

- A. A-Weighted Sound Level: dBA, in decibels, a frequency weighted sound pressure level, determined by the use of the metering characteristics and A-weighted network specified in ANSI S 1.4-1971 (R. 1976) "Specifications for Sound Level Meters" and the latest revision thereof.
- B. AHRA: American Hot Rod Association or its successor bodies.
- C. ANSI: American National Standards Institute or its successor bodies.
- D. Antique Automobile: any passenger automobile manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.
- E. Background Noise: That sound level that represents the summation of the sound from all discrete sources affecting a given site (or similar site) at a given time, exclusive of transient sounds and the sound from the source of interest.

Note - This level measurement shall exclude transient noise, i.e. aeroplane, railroad trains, lawn mowers, construction noises, and vehicular traffic.

- F. Board: The Jacksonville Environmental Protection Board
- G. Chief: Chief of Air Quality Division
- H. C-Weighted Sound Level: in decibels, a frequency weighted sound pressure level, determined by the use of the metering characteristics and C-weighted network specified in ANSI document S 1.4-1971 (R. 1976) "Specification for Sound Level Meters".
- I. Construction: on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, and all related activities including, but not restricted to clearing of land, earth-moving, blasting and landscaping.
- J. Daytime hours: 7:00 a.m. to 10:00 p.m., local time.
- K. dBA: see "A-Weighted Sound Level".
- L. Decibel (dB): a unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for the purpose of this Chapter, shall be 20 micronewtons per square meter (Un/m²).
- M. Department: The Regulatory and Environmental Services Department, City of Jacksonville.
- N. Director: Director of Regulatory and Environmental Services Department, City of Jacksonville. The Director is the Noise Control Officer, Pursuant to Chapter 368, Ordinance Code.
- O. Division: Air Quality Division
- P. Drag racing: any acceleration contest between two racing vehicles racing from a standing start over a precisely measured, straight line course.
- Q. Drag racing facility: any motor racing facility upon which is conducted drag racing.
- R. Drag racing vehicle: any racing vehicle which is participating in a drag race at a drag racing facility.
- S. Exhaust system: the system comprised of a combination of components, excepting catalytic converters, which provides for the enclosed flow of exhaust gas from engine parts to the atmosphere.

- T. Farm tractor: every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled.
- U. Fast Dynamic Characteristic: the dynamic characteristic specified as fast in ANSI S 1.4-1971 (R. 1976) "Specifications for Sound Level Meters" and the latest revision thereof.
- V. Fast meter response: as specified in ANSI S 1.4-1971, or subsequent revisions.
- W. Highway: the entire width between the boundary lines of every way, publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.
- X. Impulsive sound: either a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impulsive sound sources shall include, but not be limited to pile driving, explosive blasting or emptying of dumpster containers.
- Y. IHRA: International Hot Rod Association or its successor body.
- Z. Lawn Care Equipment: All pieces of equipment, whether manually or power operated, normally used in the care and maintenance of a yard at any Class A, Class B, Class C or Class D property. Excepting gasoline motor driven or electric motor driven leaf or trash blowers.
- AA. Leq: the Equivalent Continuous Sound Level which has the same energy content and consequently the same hearing damage potential as a varying sound level over a set period of time as determined by an Integrating Sound Level Meter.
- BB. Midget racing vehicle: a front engine, single seat, openwheel racing car smaller and of lesser engine displacement than standard cars of the type.
- CC. Motor racing vehicle: any facility or course upon which is conducted motor racing activities or events.
- DD. Motor driven cycle: every motorcycle, motor scooter, or bicycle with motor attached, with less than 150 cubic centimeter piston displacement.
- EE. Motor Vehicle: every vehicle which is self-propelled and any combination of vehicles which are propelled or drawn by a vehicle which is self-propelled.
- FF. Motorcycle: every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

- GG. Motorcycle racing: any racing event between one or more motorcycles.
- HH. Motorcycle racing facility: any motor racing facility upon which is conducted motorcycle racing.
- II. Muffler: a device for abating the sounds of escaping gases of an internal combustion engine.
- JJ. NHRA: National Hot Rod Association or its successor body.
- KK. Nighttime hours: 10:00 p.m. to 7:00 a.m., local time.
- LL. Noise Pollution: the emission of sound that violates the requirements established in Rule 4.
- MM. Octave band sound pressure level: the sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is 20 micronewtons per square meter.
- NN. Oval racing: any contest between two or more racing vehicles on a closed or oval racing surface.
- OO. Oval racing facility: any motor racing facility, upon which is conducted oval racing.
- PP. Oval racing vehicle: any racing vehicle which is participating in an oval race at an oval racing facility.
- QQ. Passenger car: a motor vehicle designed for the carrying of not more than ten persons, including a multipurpose passenger vehicle, except any motorcycle or motor driven cycle.
- RR. Patio: A space for dining or recreation, usually paved, that may have a roof, but has no walls and adjoins a residence.
- SS. Person: any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group and agency, political subdivision of this State or any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.
- TT. Preferred frequencies: those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this Rule, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10000, 12500.
- UU. Prominent or audible discrete tone (Pure tone): having a one-third octave band sound pressure level which, when measured in a one-third octave band at the

preferred frequencies, exceeds the arithmetic average of the sound pressure levels on the two adjacent one-third octave bands on either side of such one-third octave band, by;

5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

- VV. Property-line-noise-source: any equipment or facility or combination thereof, which operates within any land used as specified by Rule 4.201. Such equipment or facility or combination thereof, must be capable of emitting sound beyond the property line of the land on which said equipment or facility is operated.
- WW. Racing vehicle: every self-propelled device, in, upon or by which any person may be transported and which is participating in a motor racing activity or event at a motor racing facility.
- XX. Registered: a vehicle is registered when a current registration certificate or certificates and registration plates have been issued for it under the laws of any state pertaining to the registration of vehicles.
- YY. Residential dwelling unit: all land used as specified by Standard Land Use Coding Manual (SLUCM) Codes 110 through 190 and those portions of land used as specified by SLUCM Code 6741 used for sleeping. Appendix A.
- ZZ. Rupture Disc: A pressure relieving device that vents the pressure in a pipe or vessel if the pressure exceeds a fixed amount.
- AAA. SAE: Society of Automotive Engineers.
- BBB. Shredder/chipper: A machine that reduces shrubbery, trees, roots or any other vegetation to small chips.
- CCC. Slow Dynamic Characteristics: the dynamic characteristic specified as "Slow" in

ANSI documents S 1.4-1971 (R. 1976) "Specification for Sound Level Meters".

- DDD. SLUCM: the Standard Land Use Coding Manual (1969, United States Government Printing Office) which designates land activities by means of numerical codes modified by adding Land Classes for use in Rule 4.
- EEE. Sound: an oscillation in pressure in air.
- FFF. Sound level: in decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S 1.4-1971 "Specifications for Sound Level Meters".
- GGG. Sound pressure level: in decibels, 20 times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference is 20 micronewtons per square meter.
- HHH. Special mobile equipment: every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and drag lines and self-propelled cranes and other earth-moving equipment.
- III. Special-motor-racing-event: any motor racing event held on two consecutive days or less in which a substantial number of out-of-state motor racing vehicles are competing and which has been designated as such a special-motor-racing-event by the owner or operator or the motor racing facility.
- JJJ. Sports car: any automobile which meets the requirements and specifications of the General Competition Rules of the Sports Car Club of America or its successor body or any other sports car organization.
- KKK. Sprint racing vehicle: a front engined open wheel racing car used especially on short dirt tracks.
- LLL. One Half Octave Band: see ANSI S 1.11 (R. 1976).
- MMM. Supercharged racing vehicle: a racing vehicle equipped with a blower or compressor for increasing the volume air charge of an internal combustion engine over that which would be drawn in through the pumping action of the pistons.
- NNN. Tactical military vehicle: every vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal

highway use.

OOO. Transient Sounds: sound whose average properties do not remain constant in time, i.e. aircraft fly over, single truck passage, sonic boom, vehicle horn, emergency vehicle warning device.

PPP. Unregulated safety relief valve: a safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected and which is used and designed to prevent explosion or other hazardous reactions from pressure buildup, rather than being used and designed as a process pressure blowdown.

QQQ. Used motor vehicle: a motor vehicle that has been titled to a person or facility.

RRR. Vehicle: every device in, upon or by which any person or property is or may be transported or drawn.

SSS. Weekday: any day which occurs during the period of time commencing at 10:00 p.m. Sunday and ending at 10:00 p.m. Friday during any particular week.

TTT. Weekend day: any day which occurs during the period of time commencing at 10:00 p.m. Friday and ending at 10:00 p.m. Sunday during any particular week.

UUU. Well-maintained muffler: any muffler which is free from defects which affect its sound reduction. Such muffler shall be free of visible defects such as holes and other acoustical leaks. [History: Effective 7-1-86, amended 9-11-88, amended and renumbered 01-10-93, amended and renumbered 7-10-95]

4.102 Prohibition of Noise Pollution

No person shall cause, allow or permit the emission of sound so as to violate the requirements for noise pollution control established in the Rules of the Board. [History: Effective 7-1-86 amended 01-10-93]

4.103 Measurement Procedures

- A. All Sound Level Meters used for measurement shall be in conformance with ANSI 1.4-1983.
- B. All Octave and Third Octave Band Filter Sets shall be in conformance with ANSI 1.11-1976.
- C. Calibration of all instruments, components and attachments shall conform to the latest ANSI Standards.
- D. Except as specifically noted below, all noise violations will be established on the

basis of the property line of the complainant:

1. Noise measurements for sound emitted from racing facilities shall be made at the property line of the racing facility.
 2. When there is no complaint regarding noise, the noise measurements shall be taken at the property line nearest to the sound source, but in no case shall the distance to the actual source be less than ten (10) feet.
- E. The Department shall adopt Standard Operating Procedures (SOP) for the following:
1. Complaint Handling
 2. Field Measurement
 3. Operation of each piece of equipment used for measurement
- F. All SOPs applicable to all or part of Rule 4 shall be approved by the Chief.
- G. SOPs for field measurements shall be in conformity with standards and recommended practices established by ANSI or SAE and the latest revisions thereof including ANSI S 1.1-1976, S 1.11-1976, S 1.6-1976, S. 1.13-1976, S. 1.36-1976 S. 1.30-1979, ANSI 3.23-1980 and SR 22, as well as SAE J34a, SAE J366b, J986, J.030.
- H. SOPs for equipment shall be based on equipment manuals supplied by the manufacturer.
- I. Instrumentation for sound level measurements may be Class 1 or Class 2 (ANSI S 1.4-1971). [History: Effective 7-1-86, amended 9-11-88, amended 01-10-93, amended 7-10-95]

4.104 Variances

- A. A variance to cause or create a noise which would otherwise be in violation of these rules shall be granted as provided in Section 360.111 Ordinance Code.
- B. In any proceeding pursuant to these rules, if any variance stated in these rules would limit an obligation, limit a liability or eliminate an obligation or liability, the person who would benefit from the application of the variance shall have the burden of proof that the variance applies and the terms of the variance have been met. [History: Effective 7-1-86]

4.105 Appeals

Appeals shall be heard as provided in Part 4, Chapter 360 Ordinance Code.
[History: Effective 7-1-86]

4.106 Penalties

Penalties for failure to comply with these rules shall be according to Ordinance Codes Sections 368.401, 402 & 403 except as follows:

1. Any citation written by a Law Enforcement Officer of the City of Jacksonville shall be enforced under a Class D Offense, as defined in §632.101 (a)(3) Ordinance Code. [History: Effective 7-1-86, amended 9-11-88, amended 7-10-95]

4.107 Enforcement

- A. Enforcement of the Rules - Noise Pollution Rules Enforcement shall be by the Department except as follows:
 1. Any Law Enforcement Officer of the City of Jacksonville, Florida shall have the authority to write a citation for failure to comply with any part of the rules. [History: Effective 7-1-86, amended 01-10-93]

4.108 Severability

If any provision of these rules is adjudged invalid or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of these rules as a whole or any part, subpart, sentence or clause thereof not adjudged invalid. [History: Effective 7-1-86]

PART II
SOUND EMISSION STANDARDS AND LIMITATIONS
FOR
PROPERTY-LINE-NOISE-SOURCES

4.201 Classification of Land According to Use

- A. CLASS A land (Noise Sensitive Areas) shall include all land used as specified by SLUCM Codes 124, 125, 651, 681, 682, 683, 691, 910, 921, 922 and 990.
- B. CLASS B land shall include all land used as specified by SLUCM Codes 110, 121, 122, 123, 129 through 190, 397, 711, 712 (excluding 7124, 7129), 762 and 922.
- C. CLASS C land shall include all land used as specified by SLUCM Codes 471 through 479, 511 through 649, 652, 659, 671, 672, 673, 674, 692, 699, 7124, 7129, 719, 721, 739 through 761, 769, 790, 990.
- D. CLASS D land shall include all land used as specified by SLUCM Codes 211 through 396, 399, 411 except 4111, 412, 421, 422, 429, 441, 449, 460, 481 through 499, 661, 662, 675, 722, 731, 811 through 890, 951 & 952.
- E. CLASS U land (unclassified) shall include all areas used as specified by SLUCM codes 931, 932, 933, 934 and 935, 4111, 4121, 431, 439, 451 through 459.
- F. All changes in land classification shall be made by petition to the Board and procedures according to EPB Rule Number 1, Part V. [History: Effective 7-1-86, amended 01-10-93, amended 7-10-95]

4.202 Sound Emitted to Class "A" Land

- A. Except as specified elsewhere in these rules, no person shall cause, allow or permit the emission of sound during daytime hours from any property-line-noise-source located on any Class A, B, C or D land to any receiving Class A land when measured within such receiving Class A land which exceeds either of the following:

- 1. The maximum allowable sound pressure level in dB for any octave band center frequency in the following table:

Octave Maximum Allowable Octave Band Sound Pressure
 Band Levels (dB) of Sound Emitted to any
 Center Receiving Class A Land from:

Class D	Class C	Class B	Class A
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Frequency	Land	Land	Land	Land
31.5	80	75	72	72
63	78	74	71	71
125	73	67	65	65
250	67	63	57	57
500	61	56	51	51
1000	56	51	45	45
2000	52	47	39	39
4000	48	45	34	34
8000	45	40	32	32

2. The maximum allowable sound pressure level in dBA given in the following table:

	Class D Land	Class C Land	Class B Land	Class A
dBA	65	60	55	55

B. Except as specified elsewhere in these rules, no person shall cause, allow or permit the emission of sound during nighttime hours from any property-line-noise-source located on any Class A, B, C or D land to any receiving Class A Land which exceeds either of the following:

Octave Maximum Allowable Octave Band Sound Pressure
Band Levels (dB) of Sound Emitted to any
Center Receiving Class A Land from:

Frequency (Hertz)	Class D Land	Class C Land	Class B Land	Class A
31.5	75	72	72	72
63	74	71	71	71
125	67	65	65	65
250	63	57	57	57
500	56	51	51	51
1000	51	45	45	45
2000	47	39	39	39
4000	45	34	34	34
8000	40	32	32	32

2. The maximum allowable sound pressure level in dBA given in the following table:

	Class D Land	Class C Land	Class B Land	Class A
dBA	60	55	55	55

[History: Effective 7-1-86, amended 6-24-87]

4.203 Sound Emitted to Class "B" Land

- A. Except as specified elsewhere in these rules, no person shall cause, allow or permit the emission of sound during daytime hours from any property-line-noise-source located on any Class A, B, C or D land to any receiving Class B land when measured within such Class B receiving land which exceeds either of the following:

1. The maximum allowable sound pressure level (dB) for any octave band frequency in the following table:

Octave Maximum Allowable Octave Band Sound Pressure
Band Levels (dB) of Sound Emitted to any
Center Receiving Class B Land from:

Frequency	Class D Land	Class C Land	Class B Land	Class A
31.5	80	75	72	72
63	78	74	71	71
125	73	67	65	65
250	67	63	57	57
500	61	56	51	51
1000	56	51	45	45
2000	52	47	39	39
4000	48	45	34	34
8000	45	40	32	32

2. The maximum allowable sound pressure level in dBA given in the following table:

	Class D Land	Class C Land	Class B Land	Class A
dBA	65	60	55	55

B. Except as specified elsewhere in these rules, no person shall cause, allow or permit the emission of sound during nighttime hours from any property-line-noise-source located on any Class A, B, C or D land to any receiving Class B land when measured within such Class B receiving land which exceeds either of the following:

1. The maximum allowable sound pressure level in dB for any octave band frequency in the following table:

Octave Maximum Allowable Octave Band Sound Pressure
Band Levels (dB) of Sound Emitted to any
Center Receiving Class B Land from:

Frequency	Class D		Class C		Class B		Class A	
	Land	Land	Land	Land	Land	Land	Land	Land
31.5	75		72		72		72	
63		74		71		71		71
125		67		65		65		65
250		63		57		57		57
500		56		51		51		51
1000		51		45		45		45
2000		47		39		39		39
4000		45		34		34		34
8000		40		32		32		32

2. The maximum allowable sound pressure level in dBA given in the following table:

dBA	Class D		Class C		Class B		Class A	
	Land	Land	Land	Land	Land	Land	Land	Land
	60		55		55		55	

[History: Effective 7-1-86, amended 6-24-87, amended 7-10-95]

4.204 Sound Emitted to Class "C" Land

Except as specified elsewhere in these rules, no person shall cause, allow or permit the emission of sound from any property-line-noise-source located on any Class A, B, C or D land to any receiving Class C land when measured within such receiving Class C land which exceeds either of the following:

- A. The maximum allowable sound pressure level in dB for any octave band center frequency in the following table:

Octave Maximum Allowable Octave Band Sound Pressure
Band Levels (dB) of Sound Emitted to any Receiving
Center Class C Land from:

Frequency	Class D		Class C		Class B		Class A	
	Land	Land	Land	Land	Land	Land	Land	Land
31.5	80		80		75		75	
63		78		78		74		74
125		73		73		67		67
250		67		67		63		63
500		61		61		56		56
1000		56		56		51		51
2000		52		52		47		47
4000		48		48		45		45
8000		45		45		40		40

- B. The maximum allowable sound pressure level in dBA given in the following table:

dBA	Class D		Class C		Class B		Class A	
	Land	Land	Land	Land	Land	Land	Land	Land
	65		65		60		60	

[History: Effective 7-1-86, amended 6-24-87, amended 7-10-95]

4.205 Sound Emitted to Class "D" Land

Except as specified elsewhere in these rules, no person shall cause, allow or permit the emission of sound from any property-line-noise-source located on any Class A, B, C or D land to any Class D land when measured within such receiving Class D land which exceeds either of the following:

- A. The maximum allowable sound pressure level in dB for any octave band center frequency in the following table:

ANY CLASS	
Frequency	Land
31.5	85
63	84
125	79
250	74
500	69
1000	64

2000	59
4000	56
8000	63

B. The maximum allowable sound pressure level in dBA given in the following table:

Combined Bands 70

[History: Effective 7-1-86, amended 6-24-87]

4.206 Impulsive sound

Except as specified elsewhere in these rules, no person shall cause, allow or permit the emission of impulsive sound from any Class A, B, C or D land which exceeds the allowable A-weighted sound levels (measured with fast dynamic characteristic) specified in the following table at any point within such receiving Class A, B, C or D land.

Classification of Maximum Allowable A-Weighted Sound Levels
Land on which noise of Impulsive Sound Emitted to Receiving
Source is Located Class A, B, C or D Land

	Class C or Class D	Class A or Class B Daytime	Class A or Class B Nighttime
Class A or B	55	55	55
Class C	75	65	55
Class D	75	65	55

[History: Effective 7-1-86, amended 6-24-87, amended 7-10-95]

4.207 Reserved

4.208 Construction or Maintenance Projects

- A. No person shall operate or permit the operation of construction or maintenance equipment excluding generators, mudhogs and well point pumps, used in construction or maintenance between the hours of 10:00 p.m. and 7:00 a.m., unless specifically permitted for a particular project by a department of the City of Jacksonville.
- B. Noise levels shall be measured at the property line of the construction site nearest the complainants property.
- C. No person shall operate or permit the operation of equipment used in construction or maintenance during daytime hours that emits a noise that exceeds 75 dBA to Class C or Class D land or exceeds 65 dBA to Class A or Class B land.

- D. No person shall operate or permit the operation of equipment used in construction or maintenance during nighttime hours that emits a noise that exceeds 60 dBA.
- E. Any construction or maintenance permit issued by an agency of the City of Jacksonville for an activity that will produce a noise level exceeding the limits of Rule 4 shall include noise abatement requirements by the Chief ie. acoustical enclosures, electric motors, and/or secondary or additional mufflers etc. to reduce the noise level.
- F. Exhaust systems
 - 1. No person shall operate or permit operation of equipment used in construction or maintenance without the exhaust systems or silencers that can be installed on the equipment.
 - 2. All exhaust systems or silencers shall be equal to or better than said equipment normally supplied by the equipment manufacturer as standard equipment in the ability to reduce noise.
 - 3. All exhaust systems or silencers shall be in good repair without holes or leaks. [History: Effective 7-1-86, amended 6-24-87, 9-11-88, 01-10-93, 7-10-95]

4.209 Prohibited Sound Emissions

- A. No person shall operate or permit the operation of any alarm, siren, whistle or similar stationary signal device activated by people or equipment (for purposes other than fire, burglary* or civil defense) that shall sound continuously for a period exceeding fifteen (15) minutes or that exceeds 60 dBA at the complainant's property line except to:
 - 1. Give notice of the time to begin or stop work.
 - 2. Emergency purposes.
 - 3. Testing-Testing of only the electromechanical functioning of a stationary emergency signaling device shall occur at the same time each day that a test is performed, but not before 8:00 a.m. or after 8:00 p.m. In no case shall the test time exceed ten (10) seconds. Testing of the complete system shall not occur more than once in each calendar month.
- * Robbery

- B. Railroads

It shall be unlawful for any person operating a railroad locomotive to blow or activate or permit to be blown or activated, any horn or whistle for signaling any information, while operating in switching or marshalling areas, which information can be conveyed by the use of hand carried radio.

- C. The use of any public address system attached to a vehicle on a street adjacent to or within Class A or Class B land is prohibited.
- D. No person shall operate any motor driven boat (inboard, outboard or air driven) in such a manner as to emit sound at the shoreline of a complainant's property that exceeds 75 dBA in daytime or 55 dBA in nighttime.
- E. No person shall operate or permit the operation of powered model vehicles in a public or private space within a 100 meter radius of Class A or Class B land.
- F. No person shall operate or test or permit the operating or testing of any motorized unit, i.e. outboard or inboard motor, chain saw or lawn care equipment in Class A or Class B areas between the hours of 9:00 p.m. and 7:00 a.m., local time.
- G. No person shall operate or permit the operation of any trash or refuse service, using a mechanical device for unloading a bin or hopper into a truck, between the hours of 10:00 p.m. and 7:00 a.m., local time, within 200 meters of a complainant's property that is in a Class A or Class B area. [History: Effective 7-1-86, amended 9-11-88, amended 7-10-95]

4.210 Exceptions

Rules under PART II shall not apply to the following:

- A. Firework displays when permitted by Sections 432.103(c) Ordinance Code.
- B. Sound emitted from unregulated safety relief valves and rupture discs.
- C. Sound emitted between 7:00 a.m. and 9:00 p.m. local time from lawn care maintenance equipment, except leaf or trash blowers, properly equipped with mufflers that are working correctly and agricultural field machinery.
- D. Sound emitted from a permitted source containing special noise levels.
- E. Sound emitted from an emergency warning device used by law enforcement officers, ambulances or fire department personnel or sound emitted in performance of emergency work..
- F. The unamplified human voice.
- G. Unamplified carillons, bells or chimes.
- H. Athletic contests, open air festivals, fairs, outdoor musical entertainment permitted under Chapter 191 Ordinance Code. [History: Effective 7-1-86, amended 9-11-88, 01-10-93, 7-10-95]

4.211 Prominent or Audible Discrete Tone

- A. No person shall cause or allow the emission of any prominent or audible discrete tone from any Class A, B, C or D source to any receiving Class A, B, C or D land except as allowed in Section 4.210 B.
- B. Section 4.211 A. shall not apply to prominent or audible discrete tones having a one-third octave band sound pressure level 10 or more dB below the allowable octave band sound pressure level found in Sections 4.202, 4.203, 4.204 and 4.205. [History: Effective 6-24-87, amended 7-10-95]

4.212 Air Conditioning - Refrigeration Equipment

No person shall operate or permit the operation of any air conditioning, air handling or refrigeration equipment in such a manner as to exceed any of the following sound levels across a Class A or Class B property line:

	<u>Measurement Location</u>	<u>dba</u>
A.	At a point on the neighboring property line that is 10ft or more from the noise source.	60
B.	Center of neighboring patio	55
C.	Three feet outside the neighboring living area window nearest the equipment location	55

[History: Effective 6-24-87, amended 7-10-95]

4.213 Vehicle Work in Class A land or Class B land

No person shall perform or permit the operation of maintenance, body repair or modification to a motor vehicle on Class A or Class B land use that exceeds the following noise levels at the complainants property line.

<u>Hours</u>	<u>dba</u>
Daytime	60
Nighttime	55

[History: Effective 6-24-87]

4.214 Leaf or Trash Blowers

No person shall operate or permit the operation of a leaf or trash blower that emits noise exceeding 80 dBA at any complainant's property line, between 7:00 a.m. and 9:00 p.m. The operation of said equipment between 9:00 p.m. and 7:00 a.m. is prohibited. [History: Effective 9-11-88]

4.215 Parking Lot Cleaning

No person shall operate or permit the operation of any sweeping or cleaning equipment or trash collection service in a parking lot for motor vehicles that emits noise exceeding 65 dBA at any complainant's property line between 7:00 a.m. and 9:00 p.m. or that emits noise exceeding 55 dBA at any complainant's property line between 9:00 p.m. and 7:00 a.m. [History: Effective 9-11-88]

PART III
SOUND EMISSION STANDARDS AND LIMITATION
FOR MOTOR VEHICLES

4.301 Equipment Standards Applicable to all Motor Vehicles

A. Exhaust System (Exhaust manifold, mufflers, connecting piping and tailpipes)

No person shall operate or cause or allow the operation of a motor vehicle on a public right of way unless it is at all times equipped with an exhaust system or other sound dissipative device which is:

1. In constant operation and properly maintained;
2. Free from defects which affect sound reductions;
3. Not modified in a manner which will amplify or increase the noise of such vehicle above that emitted by the exhaust system originally installed by the manufacturer.
4. Not equipped with any cutout, bypass or similar device.

B. Exhaust System - Sales

1. No person shall sell, offer for sale or install for use as a part of the equipment of a motor vehicle, any exhaust system or part thereof which when installed, will either permit the sound level emitted by a vehicle to be increased above that emitted by the vehicle as originally manufactured or permit a new type of sound, i.e. a musical sound, to be emitted.
2. Any person holding a retail seller's permit who sells or installs an exhaust system or part thereof, which is in violation of Rule 4.301 B.1 or the rules adopted pursuant thereto, shall be required to install an exhaust system or part thereof which is in compliance with the noise pollution rules upon demand of the purchaser or registered owner of the vehicle concerned or to reimburse the purchaser or registered owner for the expense of replacement and installation of a exhaust system or part thereof which is in compliance at the election of such purchaser or registered owner.

C. Tires

No person shall operate or cause or allow the operation of a motor vehicle with one or more tires having a tread pattern which is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves in the

tire shoulder or circumferentially to each other around the tire.

D. Refrigeration Units

No person shall operate or cause or allow the operation of a refrigeration unit mounted on a vehicle parked near enough to a Class A or Class B land to allow the sound at the property line of the Class A or Class B land to exceed 55 dBA in nighttime hours. [History: Effective 7-01-86, amended 7-10-95]

4.302 Horns and Other Warning Devices

- A. No person shall sound any vehicle horn except when reasonably necessary to ensure safe operation of said vehicle.
- B. No person shall sound any horn on any motor vehicle for a continued period of time that exceeds fifteen (15) seconds. [History: Effective 7-01-86]
- C. The Standards contained in subsections 4.302 A & B shall not apply to warning devices such as horns, whistles and sirens; or to emergency equipment and vehicles, when responding to emergency calls or to tactical military vehicles. [History: revised 7-10-95]

4.303 Tire Noise

No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency operation to avoid imminent danger, shall be exempt from this provision. [History: Effective 7-01-86, revised 7-10-95]

4.304 Standards Applicable to Motorcycles and Motor Driven Cycles

- A. This rule shall apply to all motorcycles and motor driven cycles.
- B. No person shall operate or permit the off-highway operation of motorcycles or motor driven cycles during daytime hours that emit a noise that exceeds 75 dBA to Class C or Class D land or exceeds 65 dBA to Class A or Class B land at the complainant's property line.
- C. No person shall operate or permit the off-highway operation of motorcycles or motor driven cycles during nighttime hours that emit a noise that exceeds 50 dBA to Class A or Class B land at the complainant's property line. [History: Effective 7-01-86, revised 7-10-95]

4.305 Exceptions

- A. The standards and limitation of 4.301 through 4.306 inclusive, shall not apply to:
 - 1. any vehicle moved by human or animal power;
 - 2. any vehicle moved by electrical power;
 - 3. any vehicle used exclusively upon stationary rails or tracks;
 - 4. any farm tractor;
 - 5. any antique vehicle
 - 6. any special mobile equipment;
 - 7. any vehicle while being used lawfully for racing competition of time racing events; and
 - 8. any lawn care maintenance equipment.
- [History: Effective 7-01-86, revised 7-10-95]

**PART IV
RULES AND REGULATIONS FOR THE CONTROL OF NOISE FROM
MOTOR RACING FACILITIES**

4.401 General

- A. All motor vehicles operated at facilities for competitive events are exempt from complying with Parts II and III above.
- B. The rules of Part IV shall apply equally to:
 - 1. Drag Racing Facilities
 - 2. Oval Racing Facilities
 - 3. Sports Car Racing Facilities
 - 4. Motorcycle Racing Facilities
 - 5. Go-Kart Racing Facilities
 - 6. Motor Powered Models Not Capable of Transporting an Operator
- C. Measurements for sound emissions from all motor racing facilities shall be made at the property line of the complainant.
- D. No race or qualification heat shall be started after 10:30 p.m. local time on any particular weekday or after 11:00 p.m. local time on any particular weekend day.
- E. At 11:00 p.m. on any particular weekday or 11:30 p.m. on any particular weekend day, any race or qualification heat that is 51% completed shall stop. If the race or qualification heat is less than 51% complete, it shall progress until it reaches 51% and stop at that time.
- F. No facility shall cause or allow the use of operation of any vehicle powered by a jet engine. [History: Effective 7-01-86, amended 6-24-87]

4.402 Mufflers

- A. No facility shall use or allow the use of or operation of any motor vehicle in any warm-up, qualifying event or racing event, after 10:30 p.m., that is not equipped with a properly installed muffler.

- B. No facility shall use or allow the use of or operation of any motor vehicle on an oval track without a well maintained and properly installed muffler.
- C. No facility shall use or allow the use of or operation of any motorcycle not equipped with a well maintained and properly installed muffler on a drag racing facility. [History: Effective 7-01-86, revised 7-10-95]

4.403 Sound Emission Limits from Motor Racing Facilities

Sound emission limits at Class B land use from motor racing facilities shall be as follows (All times shown are local time):

- A. 7:00 a.m. to 11:00 p.m. - weekdays 65 dBA
- B. 11:00 p.m. to 7:00 a.m. - weekdays 55 dBA
- C. 7:00 a.m. to 11:30 p.m. - weekend days 65 dBA
- D. 11:00 p.m. to 7:00 a.m. - weekend days 55 dBA

All of the above readings shall exceed the background noise level by 3 dBA.
[History: Effective 7-01-86]

4.404 Permits

The controls established in permits may include but not be limited to:

- A. Direction and volume of loud speakers
- B. The use of sound barriers
- C. Construction, expansion or alterations of the facility [History: Effective 7-01-86]

PART V
PERMITS

4.500 Permits - General

- A. Permits authorized to be issued, under the rules of the Board, shall be issued by the Chief.
- B. The Division, using the rules of the Board, shall act as agents for the Chief in:
 - 1. Establish the need for a permit.
 - 2. Notify the facility of the need for a permit.
 - 3. Determine the information to be supplied with the permit application.
 - 4. Prescribe the permit forms.
 - 5. Process the permit.
 - 6. Enforce any operating conditions or abatement measures required to ensure compliance with the Noise Rules, that are to be a part of the permit.
 - 7. Enforcing all parts of the permit.
- C. The Division will approve the need for any noise permit for any facility before any facet of permitting is started.
- D. No facility shall be required to have any type of noise permit, renewal permits excepted, until notified by a letter from the Division delivered by registered or certified mail or hand delivered by Division personnel. Such notification shall allow 45 days time after receipt of the Division letter before the permit application is due to the Division.
- E. Facilities that obtain a construction permit will be notified by a letter from the Division if an operating permit will be required.
- F. Facilities that may be required to have construction or operating permits will include, but not be limited to any commercial or industrial facility that uses any of the equipment or performs any of the services on the following list:
 - 1. Any diesel or gasoline driven equipment including facility (not personal) motor vehicles

2. Compressors
3. Blowers and fans
4. Crushers and mill
5. Dust collectors
6. Forges
7. Incinerators
8. Woodworking or metalworking
9. Shredders
10. Noise Suppressors - silencers - mufflers
11. Skating rinks and outdoor skateboard facilities
12. Racing, motor vehicles
13. Restaurants, dance halls or beverage facilities with a capacity over 50 people, that provide music
14. Drive-in-movies
15. Trash collectors emptying bins or hoppers
[History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.501 Construction Permits

- A. Any person desiring to construct a new facility or expand, modify, demolish or perform maintenance on an existing facility that can have a noise emission that exceeds 70 dBA at the source property line either during the construction period or in the operating period required for start-up may be required to obtain a construction permit from the Division. The permit application shall be made on forms prescribed by the Division and the applicant shall submit such information as the Division may require.
- B. The completed application shall include, but not be limited to the following information:
 1. A description of the facility involved.
 2. A listing of the types of equipment used in the construction, demolition or

maintenance that can emit noise above 75 dBA at 50 feet from the source.

3. A list of equipment that must be operated 24-hours per day and/or 7 days per week.
 4. Proposed methods for reducing the noise emitted by the equipment from B2 and B3.
 5. A list of the equipment that will be used in the completed facility operation that can emit noise 65 dBA at 50 feet.
 6. The periods of time in hours per day and days per week the equipment in 4.501 B5 will be operated.
 7. Proposed methods for reducing the operating equipment noise to ensure compliance with the Noise Rules.
- C. All applications for construction permits shall be signed by one of the following:
1. The owner
 2. A partner
 3. The president
 4. The executive vice-president
 5. An agent duly authorized by any of the first four persons
- D. All applications and supporting documents shall be filed in triplicate with the Division.
- E. Each application for a construction permit shall be accompanied by a processing fee of \$500.00. Checks are to be made payable to Tax Collector, City of Jacksonville.
- F. The construction permit shall contain a starting and an expiration date as determined by the Division.
- G. A construction permit issued pursuant to this section may specify, but is not limited to the following:
1. Special sound emission limits of the source permitted during construction and start-ups.
 2. Abatement materials or equipment that shall be required and that such items shall be properly operated and/or maintained.

3. Provisions regarding operating hours of certain equipment, i.e. pile drivers, air tools, chain saws.
- H. The facility shall be held responsible for any equipment noise on the facility property in connection with the construction permit whether owned by the facility or by others.
- I. Any equipment, regardless of ownership, used in connection with the construction permit but located adjacent to the facility, shall meet the requirements of Section 4.208 and shall be the responsibility of the facility.
[History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.502 Operation - Permit for New Sources

To secure an operation permit for new sources, it shall be necessary to submit the following on forms and in the manner prescribed by the Division:

- A. Operation permit request.
- B. Certification of construction, by the construction permit applicant, noting any construction permit deviations.
- C. Final construction costs of noise pollution control facilities.
- D. All forms shall be signed according to 4.501 C.
- E. An operation permit shall contain a starting date and an expiration date that shall be set at five (5) years from the starting date.
- F. Each application for a new source shall be accompanied by a processing fee of \$500.00. Check to be made payable to Tax Collector, City of Jacksonville.
[History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.503 Operation - Permit for an Existing Source

- A. Follow all steps of 4.502, except B and C and follow all steps in 4.501 B except 2, 3 and 4.
- B. Should an existing source, required to have a permit, emit a noise in violation of the Rules, that facility shall be required to reduce the noise until the source is in compliance with said Rules. Methods, as approved by the Division, to obtain compliance may include, but not be limited to the following:
 1. Replace the existing equipment with new equipment that will comply with said Rules.

2. Modify the existing equipment to the point that the exiting equipment will comply with said Rules.
 3. Install additional equipment that will reduce the noise from the existing equipment to compliance with said Rules.
 4. Construct and/or install noise barriers that will reduce the noise from the existing equipment until said equipment complies with the Noise Rules.
- C. The Division shall allow the permittee a reasonable time to design, appropriate funds purchase and install any equipment chosen by the permittee to meet the requirements of said Rules.
- D. If the permittee believes the allowed time is insufficient, he has the right to a hearing before the Board. [History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.504 An Operation Noise Permit May Specify but Not Be Limited To:

- A. Special noise emission limits of the source permitted.
- B. Abatement materials or equipment that shall be required and that such item be properly operated and/or maintained. [History: Effective 7-01-86, amended 7-10-95]

4.505 Permit Processing

- A. Within 30 days after receipt of an application for a permit, the Division shall review the application and may request submittal of additional information the Division is authorized by law to request.
- B. If the applicant believes any Division request for additional information is not authorized by law or rule, the applicant may request a hearing pursuant to the Rules of the Board.
- C. Within 30 days after receipt of such additional information, the Division shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information.
- D. If the applicant believes the request of the Division for such additional information is not authorized by law or rule, the Division, at the applicant's request, shall begin to process the permit application. Such a request by the applicant shall be in writing and be clearly labeled as a request for the Division to process the permit application.

The applicant's request shall state the reasons why the applicant believes the Division request for additional information is not authorized by law or rule. The applicant shall clearly state that the applicant requests the Division to process the application without that information. Said request shall be submitted to the Division within 30 days of issuance of the Division request for information.

- E. Permits shall be approved or denied within 90 days after receipt of the original application, the last item of timely requested additional material or the applicant's written request to begin processing the permit application whichever occurs last. [History: Effective 7-01-86, amended 01-10-93]

4.506 Consultation

The applicant or his consultant may consult with Division personnel concerning the operation, construction, expansion or modification of any installation concerning the required pollution control devices or systems, the efficiency of such devices or system or the pollution problem related to the installation. However, any representation by the Division shall not relieve any requirement of the Noise Pollution Control Rules, City of Jacksonville, Florida. [History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.507 Standard for Issuing or Denying Permits: Issuance: Denial

- A. A permit may be issued to the applicant upon such conditions as the Division may direct, only if the applicant affirmatively provides the Division with reasonable assurance based on plans, test results and other information, that the construction, expansion, modification, operation or activity of the installation will not emit or cause pollution in contravention of Board standards and rules.
- B. The Chief shall issue permits to construct, operate, maintain, expand or modify an installation which may reasonably be expected to be a source of pollution only when he determines that the installation is to be provided or equipped with pollution control facilities that will abate or prevent pollution to the degree that the installation will comply with the standards or rules promulgated by the Board.
- C. If, after review of the application and all the information, the Division determines that the construction, modification, expansion or operation of the installation will not be in accordance with applicable laws, rules or regulations, the Division shall deny the permit.
- D. The Chief may issue any permit upon specified conditions reasonably necessary for the prevention of pollution.
- E. All noise pollution permits shall be renewable five (5) years from the date of issue except that an earlier renewal date may be specified by the Division, however, construction permits may be issued for a period of time as necessary.

- F. No permit for operation shall be issued for an installation for which a notice of noise violation has been issued until such time as the installation is in full compliance with the law and Board rules, regulations and standards.
- G. The applicant shall be promptly notified if the Chief intends to deny the application and shall be informed of the reasons therefore and of the right to request a public hearing. [History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.508 Modification of Permit Conditions

After notice and a public hearing before the Board if requested by the permittee, the Division may require the permittee from time to time, for good cause, to conform to new or additional conditions. The Division shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee, the Division may grant additional time.

For the purpose of this section, good cause shall include, but not be limited to the following:

- A. A showing that an improvement in emissions can be accomplished because of technological advances without unreasonable hardship.
- B. A showing that a lower emission of sound is necessary to effect the intent and purpose of Chapter 368, City Code.
- C. A showing that a change in the surrounding conditions requires a modification of the installation permitted so that it conforms to applicable sound emission rules of the City of Jacksonville.
- D. Adoption or revision of Florida Statutes, rules, regulations and standards which require the modification of a permit condition for compliance. [History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.509 Renewals

Prior to sixty days before the expiration of any noise permit, the permittee shall apply for a renewal of a permit on forms and in a manner prescribed by the Division.
[History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.510 Suspension and Revocation

- A. Permits shall be effective until suspended, revoked, surrendered or expired and shall be subject to the provisions of Chapter 368, Ordinance Code and rules and regulations of the Board.
- B. Failure to comply with pollution control laws, rules and regulation shall be grounds

for suspension or revocation.

- C. A permit issued pursuant to these rules shall not become a vested property right in the permittee. The Division may suspend or revoke any noise permit issued if the Division finds that the permit holder or his agent:
1. Submitted false or inaccurate information in his application or operational reports.
 2. Has violated law, Board Orders, rules or regulations or permit conditions.
 3. Has failed to submit operational reports or other information required by Board rules or regulations or by permit.
 4. Has refused lawful inspection under 360.109 Ordinance Code.
[History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.511 Transfer of Permits

A permit is issued in the name of a person. Upon sale or legal transfer of a permitted facility, the new owner must apply by letter for a transfer of permit within thirty (30) days. Unless the transferor notifies the Division of the transfer and to whom transferred, the transferor will remain liable for performances in accord with the permit until the transferee applies for a transfer or permit. [History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]

4.512 Plant Operation - Problems

In the event the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee is to immediately notify the Division. Notification shall include pertinent information as to the cause and what steps are being taken to correct the problem and prevent its recurrence and the owner's intent toward reconstruction of destroyed facilities where applicable. [History: Effective 7-01-86, amended 01-10-93, amended 7-10-95]