

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 this Rule for the City of Jacksonville with respect to Noise Pollution Control. The specific authority for adopting this Rule is found in Section 368.106, 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, 8-3-09]

**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 this Rule shall be in conformance with those contained in American National Standards Institute (ANSI) S1.1-1994, or subsequent revision, "Acoustical Terminology". As used in Board 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 scale specified in ANSI S1.4-1983, "Specifications for Sound Level Meters" or subsequent revision.
- B. Agricultural field machinery: a motor vehicle designed and used primarily on a farm as FARM is defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes.
- C. ANSI: American National Standards Institute or its successor bodies.
- D. Antique vehicle: a motor vehicle for private use manufactured in 1945 or earlier or a motor vehicle for private use the age of 30 years or more after the date of manufacture, equipped with an engine manufactured to the specifications of the original engine. Florida Statute 320.086.
- E. Board: The Jacksonville Environmental Protection Board (JEPB)
- F. Chief: Chief of Environmental Quality Division.
- G. Construction or maintenance equipment: vehicles or equipment used for construction or maintenance, including but not limited to, ditch digging apparatus, well-boring apparatus, 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.
- H. Daytime hours: 7:00 a.m. to 10:00 p.m.

- I. dBA: see "A-Weighted Sound Level".
- J. Decibel (dB): Unit of level when the base of the logarithm is the tenth root of ten, and the quantities concerned are proportional to power, as defined in ANSI S1.1 - 1994, or subsequent revisions.
- K. Department: The Environmental and Compliance Department, City of Jacksonville.
- L. Director: Director of the Environmental and Compliance Department, City of Jacksonville.
- M. Division: Environmental Quality Division.
- N. Emergency: an occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate attention.
- O. Emergency work: work performed for the purpose of preventing or alleviating an emergency.
- P. 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.
- Q. 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 and used on a farm as FARM is defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes.
- R. Fast Dynamic Characteristic: Exponential time average, 125 milliseconds, time related characteristic used in frequency weighting on a noise meter.
- S. 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, firearm discharge, or emptying of dumpster containers.
- T. Lawn Maintenance Equipment: All pieces of equipment, whether manually or power operated, used in the care and maintenance of a lawn, including, but not limited to, lawn mowers and tractors and weeders, in any Class A, Class B, Class C or Class D property. Excepting gasoline motor driven or electric motor driven leaf or trash blowers.
- U. Motor driven cycle: motor scooter, motorized bicycle, or similar conveyance with less than 50 cubic centimeter of displacement, (motor which produces < 5 brake horsepower).
- V. Motor Racing: any lawful racing event between one or more motor vehicles or motorcycles, or motor powered models, including but not limited to, drag racing, oval racing, sports car racing, motorcycle racing, go-kart racing, midget racing, funny car racing, and mud bogging.

- W. Motor racing facility: any lawful facility or course upon which motor racing activities or events take place, including those for drag racing, oval racing, sports car racing, motorcycle racing, go-kart racing, midget racing, funny car racing, and for racing motor powered models not capable of transporting an operator.
- X. Motor Vehicle: a motor-driven conveyance, such as, but not limited to, an automobile, truck, bus, or motorcycle .
- Y. Motorcycle: a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than two (2) or three (3) wheels in contact with the ground._The term does not include a tractor.
- Z. Muffler: a device for abating the sounds of escaping gases of an internal combustion engine.
- AA. Nighttime hours: 10:00 p.m. to 7:00 a.m.
- BB. Noise Pollution: the emission of sound that violates the standards established in Board Rule 4.
- CC. Noise source: any equipment or facility or combination thereof, which operates within any land used as specified by Board Rule 4.201. Such equipment or facility or combination thereof, emits sound beyond the property line of the land on which said equipment or facility is operated.
- DD. Off-highway: away from the highway or public road.
- EE. Person: any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association, or any other organization, trust, estate, public or private institution, group and agency, or any receiver, trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.
- FF. Powered model vehicle: self-propelled air, water or land-borne motor vehicle not designed to carry persons.
- GG. Private right-of-way: any street, avenue, boulevard, road, highway, sidewalk, alley, or easement that is owned, leased or controlled by a non-governmental entity.
- HH. Public address system(s): any electrical, electronic, mechanical or other method(s) used to amplify or direct sound including but not limited to bullhorns, megaphones, or horns, but excluding the cupping of hands.
- II. Public right-of-way: any street, avenue, boulevard, road, highway, sidewalk, alley, or easement that is owned, leased or controlled by a governmental entity.
- JJ. Public Space: any lands owned by the City of Jacksonville or benefitted by a public easement to the City of Jacksonville.

- KK. Rupture Disc: A pressure relieving device that vents the pressure in a pipe or vessel if the pressure exceeds a fixed amount.
- LL. Safety relief valve: a relief valve used and designed to prevent explosion by high pressure in the pipe or vessel to which it is connected.
- MM. SLUCM: the Standard Land Use Coding Manual (1965 United States Government Printing Office), or subsequent revision, which designates land activities by means of numerical codes modified by adding Land Classes for use in Board Rule 4.
- NN. Sound: an oscillation in pressure in air.
- OO. Sound level: in decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4-1983, "Specifications for Sound Level Meters," or subsequent revisions.
- PP. Sound pressure level: Ten times the logarithm to the base ten of the ratio of the time-mean-square pressure of a sound, in a stated frequency band, to the square of the reference sound pressure in gases of 20 μ Pa. Unit, decibel (dB), as defined in ANSI S1.1 – 1994, or subsequent revisions.
- QQ. 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.
- RR. Vehicle: every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

[History: Effective 7-1-86, amended 9-11-88, amended and renumbered 01-10-93, amended and renumbered 7-10-95, amended and renumbered 8-3-09, amended 8-9-10, amended and renumbered 7-13-15]

4.102 Prohibition of Noise Pollution

No person shall cause, allow or permit the emission of sound so as to violate the standards for noise pollution control established in the Rules of the Board.

[History: Effective 7-1-86 amended 01-10-93, 8-03-09]

4.103 Measurement Procedures

- A. All Sound Level Meters used for measurement shall be in conformance with ANSI 1.4-1983, or subsequent revision.
- B. All Octave Band Filter Sets shall be in conformance with ANSI 1.11-1976, or subsequent revision.
- C. Calibration of all instruments, components and attachments shall conform to the latest ANSI Standards.

- D. All noise violations shall be established at the property line of the complainant or at any right-of-way or public land, but in no case shall the distance from the point of measurement to the actual source be less than ten (10) feet.
- E. Instrumentation for sound level measurements may be Class 1 or Class 2 (ANSI S 1.4-1983, or subsequent revision).

[History: Effective 7-1-86, amended 9-11-88, amended 01-10-93, amended 7-10-95, amended 8-03-09, amended 8-9-10]

4.104 Variances

A variance to cause or create a noise which would otherwise be in violation of this Rule may be requested in accordance with Section 360.111, Ordinance Code.

[History: Effective 7-1-86, amended 8-03-09]

4.105 Appeals

Appeals shall be in accordance with Part 4, Chapter 360, Ordinance Code.

[History: Effective 7-1-86, amended 8-03-09]

4.106 Penalties

Penalties for violations of this Rule shall be in accordance with Sections 368.301, 368.302 and 368.303, Ordinance Code, except 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)(4) Ordinance Code.

[History: Effective 7-1-86, amended 9-11-88, amended 7-10-95, amended 8-03-09]

4.107 Enforcement

Enforcement of violations of this Rule shall be in accordance with Chapters 360 and 368, Ordinance Code except 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 this Rule.

[History: Effective 7-1-86, amended 01-10-93, amended 8-03-09]

4.108 Severability

If any provision of this Rule 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 this Rule as a whole or any part, subpart, sentence or clause thereof not adjudged invalid.

[History: Effective 7-1-86, amended 8-03-09]

PART II SOUND EMISSION STANDARDS AND LIMITATIONS FOR 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. Public and private rights-of-way, up to the point of the center line, shall have the same classification of land according to use of the land immediately abutting the public or private right-of-way.
- F. Class E Land Use shall be available to not-for-profit establishments managing Public Space seeking a "Permit" as established by Board Rule.

[History: Effective 7-1-86, amended 01-10-93, amended 7-10-95, amended 8-03-09, amended 8-9-10, amended 7-13-15]

4.202 Sound Emitted to Class "A" Land

- A. Except as specified elsewhere in this Rule, no person shall cause, allow or permit the emission of sound during daytime hours from any noise source located on any Class A, Class B, Class C or Class D land to any receiving Class A land when measured within such receiving Class A land which exceeds either of the following:
 - I. The maximum allowable sound pressure level in dB for any octave band frequency emitted to any Class A land from:

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

2. The maximum allowable sound pressure level in dBA to any receiving Class A land from:

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

- B. Except as specified elsewhere in this Rule, no person shall cause, allow or permit the emission of sound during nighttime hours from any noise source located on any Class A, Class B, Class C or Class 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 frequency emitted to any Class A land from:

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

2. The maximum allowable sound pressure level in dBA to any receiving Class A land from:

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

[History: Effective 7-1-86, amended 6-24-87, amended 8-03-09]

4.203 Sound Emitted to Class "B" Land

- A. Except as specified elsewhere in this Rule, no person shall cause, allow or permit the emission of sound during daytime hours from any noise source located on any Class A, Class B, Class C or Class 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 emitted to any Class B land from:

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

2. The maximum allowable sound pressure level in dBA to any receiving Class B land from:

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

- B. Except as specified elsewhere in this Rule, no person shall cause, allow or permit the emission of sound during nighttime hours from any noise source located on any Class A, Class B, Class C or Class 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 to any receiving Class B land from:

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

2. The maximum allowable sound pressure level in dBA to any receiving Class B land from:

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

[History: Effective 7-1-86, amended 6-24-87, amended 7-10-95, amended 8-03-09]

4.204 Sound Emitted to Class "C" Land

Except as specified elsewhere in this Rule, no person shall cause, allow or permit the emission of sound from any noise source located on any Class A, Class B, Class C or Class 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 frequency emitted to any receiving Class C land from:

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

- B. The maximum allowable sound pressure level in dBA to any receiving Class C land from:

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

[History: Effective 7-1-86, amended 6-24-87, amended 7-10-95, amended 8-03-09]

4.205 Sound Emitted to Class "D" Land

Except as specified elsewhere in this Rule, no person shall cause, allow or permit the emission of sound from any noise source located on any Class A, Class B, Class C or Class 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 frequency emitted to any receiving Class D land from:

Frequency (Hz)	Class A, Class B, Class C, or Class D 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 to any receiving Class D land from:

	Class A Land	Class B Land	Class C Land	Class D Land
dBA	70	70	70	70

[History: Effective 7-1-86, amended 6-24-87, amended 8-03-09]

4.206 Class E Land Use Requirements

- A. Not-for-Profit Establishments that seek to play live or recorded amplified music may apply for a Permit to establish a Class E Land Use.
- B. A Class E Land Use, once permitted, shall:
1. Operate only between the hours of 9 am and 11 pm;
 2. Not exceed 75 dB(A) at the complainant's property line; and
 3. Not be established adjacent to (sharing a property line with) a Class A or Class B Land Use unless the Applicant provides proof that the owner of such Class A and/or Class B properties have agreed in writing to issuance of the Permit.

[History: New 7-13-15]

4.207 Class E Land Use Permit

- A. The application for establishing a Class E Land Use Permit will be made on forms provided by the Division.
- B. Each Permit application shall be heard by the Board to determine whether granting the Permit will be a nuisance detrimental to the public health, safety and welfare and/or unreasonably interfere with surrounding properties' quiet use and enjoyment of their properties. Notice of the Board public hearing will be provided by the applicant to all property owners within 350-feet of the boundary of the proposed Class E Land Use, which shall be mailed at least 14 days prior to the Board meeting. Any application determined to constitute a nuisance if granted shall be denied.

- C. Once approved, the Permit shall not expire, but is revocable by the Division when the Division has documented two (2) Permit violations within any 30-day period or upon the failure by the Applicant to pay any civil penalty assessed for any substantiated Permit violations within 90 days.
- D. Any Permit revocation may be reviewed by the Board through the filing of a request for hearing within 10 days of receipt of any notice of revocation. Revocation appeals will be heard at the next regular Board meeting, unless the next regular meeting is scheduled less than 48 hours after the revocation notice is received. In such case, the Board shall convene a special meeting to be held within 10 days after the request for hearing is received for the purpose of hearing the appeal.
- E. Upon receipt of a notice that the Division has received a noise complaint about the Class E Land Use, the Applicant shall provide the Division with notice before each of the next three (3) events where amplified music will be provided. Each such notice shall be provided to the Division a minimum of 48 hours prior to the start time of the event.
- F. If any one of the Class A or Class B Land Uses adjacent to any established Class E Land Use rescinds or otherwise withdraws a previously signed approval of the Class E Land Use, there shall be a hearing held before the Board for a determination of whether the Class E Land Use designation should be revoked. Revocation under this paragraph shall only occur if the Board determines the manner in which the Class E Land Use is being conducted is materially different than what was originally proposed or approved, based on evidence submitted by staff, the Class E Land Use property representative, any adjacent Class A or Class B property owner or such other evidence the Board deems relevant.

[History: New 7-13-15]

4.208 Impulsive sound

Except as specified elsewhere in this Rule, no person shall cause, allow or permit the emission of impulsive sound from any Class A, Class B, Class C or Class 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, Class B, Class C or Class D land.

Classification of Maximum Allowable A-Weighted Sound Levels

Receiving Lands	Class A or Class B Daytime dBA	Class A or Class B Nighttime dBA	Class C or Class D Daytime or Nighttime dBA
Class A or B	55	55	55
Class C	65	55	75
Class D	65	55	75

[History: Effective 7-1-86, amended 6-24-87, amended 7-10-95, amended 8-03-09, renumbered 7-13-15]

4.209 Construction or Maintenance Operations

- 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 during nighttime hours. Generators, mudhogs, and well point pumps used during nighttime hours shall not exceed 60 dBA.
- B. The staging of golf course landscaping equipment used in maintenance is allowed from 6 am to 7am during nighttime hours and shall not exceed 60 dBA. The operation of golf course landscaping equipment, during nighttime hours, is expressly prohibited.
- C. No person shall operate or permit the operation of equipment used in construction or maintenance during daytime hours that emits a noise which sound level measured at the complainant's property line in dBA exceeds the following:

	Class A	Class B	Class C	Class D
	Land	Land	Land	Land
dBA	65	65	75	75

- D. Exhaust systems
 - 1. No person shall operate or permit operation of equipment used in construction or maintenance without the exhaust systems or silencers being properly 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.

[History: Effective 7-1-86, amended 6-24-87, 9-11-88, 01-10-93, 7-10-95, 8-03-09, 7-12-10, 4-8-13, renumbered 7-13-15]

4.210 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:
 - 1. To give notice of the time to begin or stop work.
 - 2. For emergency or safety purposes.
 - 3. For testing of safety stationary emergency signaling devices. Testing shall occur at the same time each day between the hours of 8:00 a.m. and 8:00 p.m. for a maximum time period of ten (10) seconds. Testing of the complete system is permitted only once a month.

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, telephones, etc.

- C. No person shall operate any motor driven boat (inboard, outboard or air driven) in such a manner as to emit sound in dBA measured at the shoreline of a complainant's property that exceeds the following:

DAYTIME HOURS				
	Class A	Class B	Class C	Class D
	Land	Land	Land	Land
dBA	75	75	75	75
NIGHTTIME HOURS				
	Class A	Class B	Class C	Class D
	Land	Land	Land	Land
dBA	55	55	55	55

- D. No person shall operate or permit the operation of powered model vehicles in a public or private space within 100 meters of Class A or Class B land.
- E. 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 maintenance equipment in Class A, Class B, Class C, or Class D lands between the hours of 9:00 p.m. and 7:00 a.m.

[History: Effective 7-1-86, amended 9-11-88, amended 7-10-95, 8-03-09, amended 8-9-10, renumbered 7-13-15]

4.211 Refuse Service-Dumpster Collection

- A. 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, during nighttime hours, within 200 meters of a property that is in a Class A or Class B area, unless a Nighttime Dumpster Collection Permit has been granted by the Board, in accordance with "D" of this subpart.
- B. All property owners being serviced by a refuse service company for non-residential solid waste removal shall prominently mark each dumpster with the name and telephone number of the refuse service company and the name of the business being serviced.
- C. All labeling of dumpsters shall be completed within 60 days of the effective date of this Rule.
- D. The application for a Nighttime Dumpster Collection Permit must be made by the owner or operator of the property to be permitted. The Permit application will be made on forms provided by the Division, and granted, denied, renewed, and revoked as follows:
1. Each Permit application shall be heard by the Board to determine whether: 1) there is a reasonable concern of a safety hazard in the continuance of daytime dumpster collection, or 2) granting the Permit would create a nuisance detrimental to the public health, safety and welfare, or 3) granting the Permit would unreasonably interfere with the quiet use and enjoyment of any Class A or Class B properties within 200-

meters of the proposed nighttime dumpster collection location. Notice of the Board public hearing will be provided by the applicant to all Class A and Class B property owners within 200-meters of the proposed permitted location, which shall be mailed at least 14 days prior to the Board meeting.

At the conclusion of the public hearing, any application determined by the Board to 1) not present sufficient evidence that there is a reasonable concern of a safety hazard for continued daytime dumpster collection, or 2) constitute a nuisance if granted, or 3) unreasonably interfere with the quiet use and enjoyment of any Class A or Class B properties within 200-meters of the proposed permitted location, shall be denied.

2. Once approved, the Permit shall expire on a date five (5) years from the issuance date. Unless the Permittee submits a complete application for Permit renewal and payment of any applicable permit renewal fees prior to expiration of the existing Permit, the existing Permit shall expire and the Permittee's right to nighttime dumpster collection shall terminate. The Permit renewal application approval shall follow the same process as the initial application.
3. The Permit is revocable by the Division if the terms of the Permit are violated. Any Permit revocation may be reviewed by the Board through the filing of a request for hearing within 10 days of receipt of any notice of revocation. Revocation appeals will be heard at the next regular Board meeting, unless the next regular meeting is scheduled less than 48 hours after the revocation notice is received. In such case, the Board shall convene a special meeting to be held within 10 days after the request for hearing is received for the purpose of hearing the appeal.

[History: Effective 8-3-09, renumbered 7-13-15, amended 5-8-17]

4.212 Exceptions

The standards and limitations under PART II of this Rule shall not apply to the following:

- A. The emission of sound in the discharge of weapons at sport shooting ranges as defined and exempted in Section 823.16, Florida Statutes.
- B. Sound emitted from safety relief valves and rupture discs.
- C. Sound emitted from agricultural field machinery used for agricultural activities of a farm as FARM is defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes.
- D. The emission of sound in the performance of emergency work at any time.
- E. The emission of sound for the purpose of alerting persons to the existence of an emergency or a potential danger
- F. The unamplified human voice.
- G. Unamplified carillons, bells or chimes.
- H. Fireworks or outdoor musical entertainment permitted pursuant to Chapter 191, Part 2, Ordinance Code.

- I. Commercial water-borne traffic, mass transportation vehicles, air transportation and rail transportation (except railroad switching yards).

[History: Effective 7-1-86, amended 9-11-88, 01-10-93, 7-10-95, 8-03-09, renumbered 7-13-15]

4.213 Air Conditioning - Refrigeration Equipment

No person shall operate or permit the operation of any air conditioning, air handling or refrigeration equipment that exceeds the following sound levels in dBA to a Class A or Class B land, at the complainant's property line:

	CLASS A	CLASS B
dBA	60	60

[History: Effective 6-24-87, amended 7-10-95, amended 8-03-09, renumbered 7-13-15]

4.214 Vehicle Work in Class A land or Class B land

No person shall perform or permit the operation of maintenance, body repair, engine construction, engine repair or modification to a motor vehicle on Class A or Class B land that exceeds the following sound levels in dBA at the complainant's property line:

	DAYTIME HOURS		NIGHTTIME HOURS	
	Class A	Class B	Class A	Class B
dBA	60	60	55	55

[History: Effective 6-24-87, amended 8-03-09, renumbered 7-13-15]

4.215 Leaf or Trash Blowers and Lawn Maintenance Equipment

- A. 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 the hours of 7:00 a.m. and 9:00 p.m.
- B. The operation of leaf or trash blowers and lawn maintenance equipment between the hours of 9:00 p.m. and 7:00 a.m. is prohibited.

[History: Effective 9-11-88, amended 8-03-09, renumbered 7-13-15]

4.216 Parking Lot Cleaning and Trash Removal Service

- A. No person shall operate or permit the operation of any sweeping or cleaning equipment or trash removal service in a parking lot for motor vehicles that emits sound levels at a complainant's property line between the hours of 7:00 a.m. and 9:00 p.m. that exceeds the following dBA levels:

	Class A	Class B
dBA	65	65

or that emits sound levels at a complainant's property line between the hours of 9:00 p.m. and 7:00 a.m. that exceeds the following dBA levels:

	Class A	Class B
dBA	55	55

- B. Any motorized vehicle used for parking lot sweeping or cleaning or trash removal service in a parking lot shall be prominently marked with the company's name and telephone number.

[History: Effective 9-11-88, amended 8-03-09, renumbered 7-13-15]

4.217 Public Address Systems

No person shall operate or permit the operation of any public address system which emits sound in dBA measured at the receiving property that exceeds the following:

	DAYTIME HOURS			
	Class A	Class B	Class C	Class D
	Land	Land	Land	Land
dBA	60	60	60	60

	NIGHTTIME HOURS			
	Class A	Class B	Class C	Class D
	Land	Land	Land	Land
dBA	60	60	60	60

[History: New Section Number and amended 8-9-10, renumbered 7-13-15]

**PART III
SOUND EMISSION STANDARDS AND LIMITATIONS
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 Board Rule 4.301B.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. Refrigeration Units

No person shall operate, cause or allow the operation of a refrigeration unit mounted on a vehicle to exceed 55 dBA during nighttime hours at the complainant's property line in a Class A or Class B land.

[History: Effective 7-01-86, amended 7-10-95, amended 8-03-09]

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 Board Rule 4.302A and Board Rule 4.302B 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, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

[History: revised 7-10-95, amended 8-03-09]

4.303 Standards Applicable to Motorcycles and Motor Driven Cycles

- A. No person shall operate or permit the off-highway operation of motorcycles or motor driven cycles during daytime hours that emit a sound level in dBA at the complainant's property line that exceeds the following:

DAYTIME HOURS				
	Class A	Class B	Class C	Class D
dBA	65	65	75	75

- B. No person shall operate or permit the off-highway operation of motorcycles or motor driven cycles during nighttime hours that emit a sound level in dBA at the complainant's property line that exceeds the following:

NIGHTTIME HOURS				
	Class A	Class B	Class C	Class D
dBA	55	55	65	65

[History: Effective 7-01-86, revised 7-10-95, amended 8-03-09]

4.304 Exceptions

- A. The standards and limitations of Board Rule 4.301 through Board Rule 4.304 shall not apply to:
 - 1. any vehicle moved by human or animal power;
 - 2. any vehicle used exclusively upon stationary rails or tracks; and
 - 3. any vehicle while being used lawfully for racing competition of time racing events.
- B. The standards and limitations of Board Rule 4.301 shall not apply to:
 - 1. any farm tractor;
 - 2. any antique vehicle with original equipment only; and
 - 3. any lawn care maintenance equipment.

[History: Effective 7-01-86, revised 7-10-95, amended 8-03-09]

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 of this Rule.
- B. The requirements and regulations of Part IV of this Rule shall apply equally to the following motor racing facilities:
 - 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 10:00 p.m.
- E. At 10:00 p.m., 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% complete and stop at that time.
- F. No motor racing 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, amended 8-03-09]

4.402 Mufflers

No motor racing facility shall use or allow the use of or operation of any motor vehicle in any racing event that is not equipped with a well-maintained and properly installed muffler.

[History: Effective 7-01-86, revised 7-10-95, amended 8-03-09]

Sound emission standards in Class A and Class B land, from motor racing facilities shall be as follows:

- A. 7:00 a.m. to 10:00 p.m. 65 dBA.
B. 10:00 p.m. to 7:00 a.m. 55 dBA.

DONE AND ORDERED This 8th day of May, 2017, at the regular meeting of the Environmental Protection Board, City of Jacksonville.

BY: 
NICK HOWLAND, CHAIR