

**SEC. 7.8            MISCELLANEOUS STANDARDS.****A. Performance Standards.**

- 1. Purpose and intent.** The purpose and intent of this section is to eliminate and regulate sources and occurrences of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazards or glare that interfere with the peaceful enjoyment of land or which are contrary to the public health, safety or welfare or constitute a nuisance to the public at-large.
- 2. Applicability.** This section shall apply to all development within unincorporated Palm Beach County unless specifically exempted pursuant to Sec. 7.8.A.3.
- 3. Exemptions.** The following shall be exempted from the standards of this section.
  - a.** Sound emitted from the operation of motor vehicles legally operating on any public right-of-way which are regulated by Chapter 316, Fla Stat., the Uniform Traffic Control Law.
  - b.** Any noise generated by interstate motor carriers operating on any public R-O-W which is regulated by Chapter 316, Fl. Stat. Any noise generated by interstate rail carriers operating on any railroad R-O-W. All airport operations unless otherwise restricted by a development order approved by the Palm Beach County Board of County Commissioners. Any other subjects to the extent preempted by applicable State or Federal laws or regulations. **[Ord. No. 97-64]**
  - c.** Any noise generated as a result of emergency work, as a danger warning device, or for the purpose of alerting persons to the existence of any emergency.
  - d.** Any noise generated by any government sanctioned activity conducted on public land.
  - e.** Any noise generated within any public R-O-W, including parades, when appropriately sanctioned by the governing body.
  - f.** Non-amplified crowd noises at sporting events.
  - g.** Any noise emitted from a source located within the Research and Technology Overlay (R&T-0) district.
  - h.** Noise; vibration; smoke, emissions and particulate matter; odors; and outdoor lighting by farm operations conforming to generally accepted agricultural and management practices in the Agricultural Reserve and Agricultural Production district districts. **[Ord. No. 98-11]**
  - i.** Any noise generated by fixed mechanical equipment accessory to a residential use as long as the equipment is operable and in good working order.

#### 4. Noise.

##### a. Maximum permissible sound levels.

(1) **Specific prohibitions.** The following activities shall be prohibited.

- (a) **Horns, signaling devices.** The sounding of any horn or audible signal device of any motor vehicle, boat, train, engine, machine or stationary boiler of any kind except as required by law or as a warning. The sounding of any warning device for an unnecessary or unreasonable period of time is also prohibited.
- (b) **Public streets and parks.** The operating or playing of any radio, television, phonograph, musical instrument or similar device on the public rights-of-way or in public parks in a manner as to be plainly audible which exceeds the decibel level set forth in Table 7.8-1 for any specific incident at a distance of one hundred (100) feet from the sound source at any time.
- (c) **Loud speakers and sound amplifiers.** The using or operating of any loud speaker, loud speaker system, sound amplifier, radio, television, phonograph, musical instrument or other similar device within or adjacent to inhabited residential land such that the sound therefrom is plainly audible exceeds the decibel level set forth in Table 7.8-1 for any specific incident. across the property line of the inhabited residential land at any time. This section shall not apply to any special events, such as parades, festivals or sporting events, but shall apply to lounges, restaurants or night clubs.
- (d) **Street sales advertising.** The use or operation of any loudspeaker, sound amplifier or musical instrument which produces or reproduces sound which is cast or emitted upon the public streets and sidewalks for the purpose of commercial advertising or for attracting the attention of the public to any particular building, structure or place when such sound that is emitted is plainly audible across the land line of any inhabited residential land. exceeds the decibel level set forth in Table 7.8-1 for any specific incident.
- (e) **Machinery construction work.** The operation of any machinery, demolition equipment, construction equipment, excavating equipment, power tools, equipment of semi-mechanical devices or undertaking construction work which emits sound across the land line of an inhabited residential land between the hours of 10:00 PM and 7:00 AM, Monday through Saturday with no construction permitted on Sunday. This shall not prohibit the use of pumps or machinery which, because of its very nature and purpose, is required to be operated twenty-four (24) hours a day.

- (f) **Lawn equipment.** The operation of lawn and garden equipment which emits sound across the line to inhabited residential land between the hours of 10:00 PM and 7:00 AM.
- (2) **General prohibitions.** No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 7.8-1 for inhabited residential and commercial land more than ten (10) percent of any measurement period, which period shall not be less than ten (10) minutes when measured at or within the boundary of the complaining landowner, and which period shall be considered a specific incident. For the purpose of this section, inhabited shall mean regularly occupied by the complainant and occupied at the time of complaint. Sound Level Measurement shall be made with a Type 2 or equivalent sound level meter using the A-Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at or within the boundary of the complaining landowner.

**TABLE 7.8-1  
PROHIBITED SOUND LEVELS**

Receiving Land	Noise Source	Time of Day	Sound Level Limit
Residential	Fixed mechanical equipment	Any time	60 dB
Residential	All other sources	7 AM to 8 PM	60 dB
		8 PM to 11 PM	55 dB
		11 PM to 7 AM	50 dB
Commercial	All sources	Any time	70 dB

**b. Public nuisance/injunctive relief.** Any emission of noise from any source in excess of the limitations established in or pursuant to this section shall be deemed and is hereby declared to be a public nuisance. Upon receipt of written complaint of violation of this section, the Code Enforcement Officer may investigate and request the County Attorney to file injunctive proceedings to abate the nuisance. Such proceedings shall be cumulative and in addition to the penalties provided herein.

**5. Vibration.**

**a. Non-industrial districts.** In all districts except the IL, IG and PIPD districts, no use shall be operated so as to produce ground vibration noticeable without instruments, at the lot line of the premises on which the use is located.

**6. Smoke, emissions and particulate matter.**

**a. Generally.** No use or activity shall be operated except in full compliance with the standards controlling air pollution as provided in the laws of the State of Florida, Palm Beach County Health Department (PBCHD) and the ordinances of Palm Beach County.

**b. Smoke.** In all districts, unless otherwise covered by a specific visible emission limiting standard by a FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or greater than twenty (20) percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Chapter 17-2 F.A.C. and used by DER, is incorporated herein by reference. All measurements shall be at the point of emission.

**c. Dust and particulates.** Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located.

**7. Odors.** No use shall be operated so as to produce the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the land on which the use is located. The guides and standards of the FDEP regarding air pollution shall be considered guides in determining the quantities of offensive odors.

**8. Toxic or noxious matter.** No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters of the state to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses.

**9. Radiation.** Any operation involving radiation, i.e., the use of gamma rays, X-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other atomic or nuclear particles, shall be permitted only in accordance with the codes, rules, and regulations of the State Department of Health and Rehabilitative Services, Office of Radiation Control and FDEP.

**10. Electromagnetic radiation and interference .**

**a. Radiation.** No person shall operate or cause to be operated for any purpose any planned or unplanned source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Any operation in compliance with the Federal Communications Commission regulation shall be deemed unlawful if such

radiation causes an abnormal degradation of performance of any electromagnetic receptor of quality and proper design. The determination of "abnormal degradation of performance" and "of quality and proper design" shall be made in accordance with good engineering principles and the standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association.

**b. Interference.** No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any district.  
**[Ord. 95-8] [Ord. No. 96-28] [Ord. No. 97-64]**

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