



Sound Ordinance Talking Points

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"For more information on City of Stuart ordinances can be found at <https://www.municode.com/library/fl/stuart>"

First: What you need to know

The City "Sound Ordinance" (No. 2315-2015) was revised in November 2015 as a means of providing uniformity throughout the City of Stuart. Previously, the noise ordinance (2007) only provided restrictions on decibel limits within specific city districts. This created both inconsistency and confusion for businesses and residents. The revised ordinance establishes new requirements for the entire City of Stuart and further clarifies the general intent of these changes.

What has changed?

While the great majority of the original city sound ordinance remains as it was, a new decibel limit provision was introduced providing that in the entire City of Stuart:

- ❖ Between the hours of **8:00 AM and 10:00 PM** every day, the limit for any origin of noise in the city (not exempted) is **80 decibels**
- ❖ Between the hours of **10:00 PM and 8:00 AM** every day, the limit for any origin of noise in the city (not exempted) is **60 decibels**

How are the new rules enforced?

Law enforcement officials for the City have determined that it is in the best interest of the public for officers to use "soft enforcement" mechanisms to achieve ordinance compliance. A City officer responding to a noise complaint is required to use a **sound level meter** to determine if a civil infraction has occurred under the following circumstances:

- ❖ Non-vehicular noise originating from **Private Property** is measured at the property line of noise origin
- ❖ Non-vehicular noise originating on **Public Property** is measured standing at a distance of 50 feet from noise origin
- ❖ In the case of any noise emanating from a vehicle, maximum permissible sound level and vehicular regulation is prescribed in Sec. 316.293 and Sec. 403.415 of Florida Statutes.

What are the civil penalties for noncompliance?

Although the revised sound ordinance has not changed the penalty fee structure for ordinance noncompliance or civil infraction, the fee structure is as follows:

- ❖ *If the violation is a first offense, a written warning shall be issued*
- ❖ *If the violation is a second offense, the violator shall pay a fine of \$250.00*
- ❖ *If the violation is a third offense, the violator shall pay a fine of \$500.00*
- ❖ *If the violation is a fourth offense, the violator shall pay a fine of \$1,000.00*
- ❖ *Any violation that is a fifth offense or more shall be subject to a mandatory hearing before the city's code enforcement magistrate, and shall be subject to a fine of not less than \$2,500 or more than \$5,000.*

What other activities are prohibited?

Outdoor construction, landscaping, demolition, and other mechanical operations are prohibited Monday through Saturday from 7:00 PM to 7:00 AM and on Sunday before 12:00 PM and after 7:00 PM.

Are there additional rules for amplified sound?

The new sound ordinance provides no distinction between amplified and non-amplified sound as the decibel limit prohibits both from going over the maximum allowed. However, there are additional restrictions regarding amplified sound in public areas, parks, and recreational areas. According to City of Stuart Code of Ordinances, Chapter 30, Sections 3(5) and 5(2):

"No person shall:

Use an electronic public address system or other mechanical sound amplification devices, including radios and electronic sound reproduction equipment of any kind, at such a high volume level as to unreasonably interfere with the use and enjoyment by others of the park or recreational area."

Where to go for more information

- ❖ More information on the new sound ordinance or any additional Code of Ordinances can be found on the City of Stuart "Municode" ordinance hosting site at: www.municode.com/library/fl/stuart