



*Quality of Life Issues in Your Community — Community Policing Team / Article #8*

### **Residential Noise**

By Deputy Troy Ferguson

Each community in Pasco County has its own unique blueprint when it comes to problems, concerns and quality of life issues. There is one concern, however, that seems to be on everyone's list at one time or another. I refer to the problem of "Residential Noise" and disturbance of the peace. Most citizens at some time have probably experienced a problem with residential noise that has hindered their ability to enjoy the peace, tranquility and comfort of their own home. In this quality of life article we look at portions of the county's noise ordinance, **CD 66:4-93-97** and state law, **FSS 877.03**, Disturbance of the Peace.

Most people are under the impression that the noise ordinance can only be enforced after 10:00 p.m. This is untrue, residential noise and disturbance of the peace is enforceable at any time of the day or night. Certain noises, however, are specifically prohibited after certain hours or after the noise exceeds a pre-determined number of decibels as measured by a certified decibel meter.

**Here are some of the specific noises that are prohibited by Code 66-97.** The following noises are governed by time of day and decibel range limitations. No noise arising from **construction activities** is permitted between the hours of 10:00 p.m. and 7:00 a.m., Monday – Saturday, and all day on Sunday that exceed 55dBA. Construction equipment that must be operated 24 hours a day, such as a well pump, must have an acoustical shielding device unless the noise is less than 55dBA.

It is against the law to create or allow to be created any **noise in a residential district** that exceeds 55dBA between the hours of 10:00 p.m. and 7:00 a.m. daily. For multifamily dwelling units it is unlawful to create any noise that exceeds 40dBA as measured from inside the adjoining neighbor's unit subject to the same hour requirements as above.

**Noises created by radios, televisions sets, exterior loudspeakers and any other similar device** is prohibited in a residential area if the noise created exceeds 66dBA during the hours of 7:00 a.m. to 6:00 p.m., 60dBA during the hours of 6:00 p.m. to 10:00 p.m. and 55dBA during the hours of 10:00 p.m. to 7:00 a.m. as measured from the property line of the sound source.

*Well, this is all good to know but what do I do if the deputy who responds to my call for assistance isn't carrying a decibel meter or it is not after 10:00 p.m. at night?* Perhaps the most important part of the ordinance to learn about is **CD 66-4:97-7B,C**. It is against the law to use or permit the use of **any radio receiving set, musical instrument, television, phonograph, drum, exterior loudspeaker, or OTHER device** so as to **disturb the peace, quiet and comfort** of the neighborhood and vicinity thereof.

A deputy may enforce 66-4:97-7b at any time. Although it is not required, a written warning documented by a case number is the first step in obtaining compliance. A citation for a **violation** of this part of the ordinance is a **Class VI Offense** and carries a fine of **\$508.00**. A deputy who personally hears the noise may cite a violator without further involvement from the citizen but cases are always stronger when a concerned citizen makes a statement as well.

**Florida State Statute 877.03 (Disturbance of the Peace)** is a 2<sup>nd</sup> Degree Misdemeanor punishable by a fine of up to \$500, up to 60 days in jail or both. This is another very effective weapon in our arsenal to combat this type of nuisance crime in your neighborhoods. Whoever commits an act that by the very nature of such act they corrupt the public morals, or outrage the sense of public decency, **or affect the peace and quiet**, of persons who may witness their act commits a violation of this state law. This law also applies to public fighting and brawling that results in a breach of the peace.

There are a couple of ways for **FSS 877.03** to be enforced. If a deputy witnesses this type of crime in progress and the actions of the violator satisfy the above elements he can take action. The state statute, however, requires that we list a victim/witness to the criminal acts in our report to the state. Often, however, the noise ceases before police arrive. This is when a well-informed citizen can become our best partner in ridding the community of a recurring nuisance problem. In extreme or chronic cases when a citizen or group of citizens gather evidence of nuisance crimes either by video or audiotaping and present them to the deputy we can refer prosecution to the State Attorney's Office. With your statements, evidence, and the deputy's investigation you stand a much better chance of seeing justice done.

For problems with **loud car stereos on vehicles traveling on the roadway** deputies may also cite someone under the state motor vehicle law, **FSS 316.3045** which prohibits the playing of stereos at such a level that they can be heard for 100 feet away from the car while moving. A violation is non-criminal and carries a \$44.00 fine. This is just an alternate method of enforcement in addition to those listed above. A car parked in the driveway of a home, however, is a normal noise code violation and is covered under the ordinances described above.

So if you face this type of problem in your community call the Sheriff's Office dispatch at 844-7711. When the deputy arrives, if a warning is issued request a business card and case number for future reference in the event further action is needed. Keep this article handy as well so you will be informed.

**This is only one example of how we are seeking to educate and empower your community to combat crime and address quality of life issues. Still have questions? Please call the Community-Policing Team at 844-7757.**