


GAINESVILLE POLICE DEPARTMENT

GENERAL ORDER

	TITLE Noise Ordinance Enforcement	ACCREDITATION: N/A PRIOR REVISIONS 11/28/05, 08/21/08, 01/19/10, 05/26/15, 06/19/17, 05/18/23	
	PROPONENT UNIT Patrol Operations Bureau	ATTACHMENT: 1	
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I. PURPOSE: This Order establishes guidelines for the enforcement of the City's noise ordinance.

II. POLICY: The Department shall utilize its resources, while acting within the scope of its authority delineated in [Chapter 15](#) of the City Ordinance, to prevent, abate, and control noise violations in a fair and impartial manner within the City of Gainesville.

III. DEFINITIONS:

A. Plainly Audible: Any sound or noise produced by any source, or reproduced by a radio, tape player, television, CD player, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic sound-making device, or non-amplified human voice that can be clearly heard by a person using his/her normal hearing faculties, at a distance of 200 feet or more from the real property line of the source of the sound or noise.

B. Noise Disturbance: Any sound that:

1. Disturbs a reasonable person of normal sensitivities;
2. Exceeds the sound level limits set by City Ordinance; and/or
3. Is plainly audible as defined in this section.

C. Reasonable Time: When the limits of Table I and Table I-A in section 15-3(b) of the City Ordinances are exceeded or for a radio, tape player or other mechanical sound-making device or instrument within a motor vehicle is instantly. Otherwise, absent special a circumstance, "reasonable time" is 15 minutes in the case of non-vehicular sound emitters and two calendar days for vehicular sound emitters.

IV. PROCEDURE: All procedures shall be followed in compliance with [Chapter 15](#) of the City Ordinances. https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodetid=PTIICOOR_CH15NO_S15- (Copy and paste into browser).

A. Assessing Noise Disturbance Complaints:

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1. Assessment without a Sound-Level Meter (Plainly Audible): Officers may enforce violations of the noise ordinance without a sound level meter using the following guidelines established by Chapter 15 of the City Ordinance:

- i. The sound must be plainly audible. The officer does not need to determine particular words or phrases being said or produced, or the names of songs, etc. for the sound to be plainly audible. The detection of a rhythmic bass reverberating type of noise or sound is sufficient to constitute a plainly audible noise or sound.
- ii. The primary means of detection shall be normal, unenhanced hearing faculties (e.g. no hearing aid).
- iii. The officer must have a direct line of sight and hearing to the real property of the sound source so that the source and distance can be readily identified.
 - a. If the officer is unable to obtain a direct line of sight and hearing to the real property of the source of sound, the officer shall confirm the source by approaching the location of the suspected source until he/she establishes a direct line of sight and hearing, and identifies the same sound he/she heard from the original location of assessment.
 - b. The officer must measure a minimum distance of 200 feet away from any real property line *of the source*, and make an assessment from that location.

Officers must make every effort to accurately measure 200', and be able to describe their method of measuring. 'Pacing' is the most practical method to determine distance without a tape measure.

2. Assessment with a Sound- Level Meter: When enforcement action is taken for noise suspected of exceeding sound decibel limits, the sound must be measured / assessed with a sound-level meter by a certified operator and in accordance with Chapter 15 of City Ordinance:

- i. The operator shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
- ii. Measurements shall be taken at any point on the property, onto which the sound is being transmitted.

In the case of multiple occupancy, the measurement may be made at any point inside the premises to which any complainant has right of legal privacy.

- iii. The sound level meter shall be field-calibrated before and after each set of measurements and at least once per hour during measurement.

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- a. The certified operator is responsible for all settings, calibrations, battery testing/ replacements, adjustments, and other actions to ensure that accurate and defensible measurements are taken.
 - b. The City requires that sound be measured using an A-weighting network unit of measure [dB(A)].
 - iv. Outdoor measurements shall not be made:
 - a. When the wind speed exceeds 12 miles per hour (including gusts).
 - b. Without a properly attached wind screen.
 - c. Under any condition which exceeds 90% humidity (rain, snow, fog, or condensation).
 - d. Outside the parameters set forth in the meter's operating manual.
 - v. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the sound.
 - vi. The sound shall be measured at least 3 feet away from any ground, wall, floor, ceiling, roof or other plane surface.
 - vii. Readings shall not be taken near radio or television transmission towers, electrical transformers, or power lines.
 - viii. The slow meter response of the sound level meter shall be used to best determine the average amplitude.
 - ix. The calibrator must be re-calibrated at least once per year and the sound-level meter must be re-certified at least once every two years by the manufacturer or a calibration lab with a working standard directly traceable to the National Institute of Standards and Technology.
3. Noise Disturbing a Reasonable Person of Normal Sensitivities (For instances where the noise is not necessarily plainly audible, is no longer audible or measurable by a meter): [CALEA 82.2.2.a.b]
- i. Responsibilities of the Complainant:
 - a. The person who is disturbed by the sound or noise must call the complaint in through dispatch.
 - b. The complaint must be made at the time of the disturbance or within a reasonable time period after the fact.
 - c. Law enforcement will investigate the noise complaint.
 - d. Law enforcement shall sign the warning/citation if probable cause exists.
 - i. Citizens are no longer allowed to sign the warning/citation.

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ii. Investigating Officer's Responsibilities:[CALEA 82.2.2.c/d]

a. The officer will investigate the complaint and if probable cause exists that the noise is a disturbance to the complainant, an Alachua County Warning Notice to Correct Violation will be issued to the persons causing the noise disturbance. The officer shall include the Combined Communications Center Incident Number in the notes section of the Warning Notice.

b. If corrective action is not taken within a reasonable time, or if the noise is abated and then reoccurs, the officer may:

1). Complete and forward a sworn complaint.

2). Issue a Civil Citation. The officer shall include the Incident Number in the notes section of the Civil Citation.

c. If the noise disturbance is caused by an animal, the noise will be considered to be unabated, or abated and reoccurring; if the officer hears the same noise after more than 10 minutes have elapsed since issuing a warning notice. The officer may then issue a citation for the violation.

d. Loud Vehicle Stereo Violations: Officers may conduct a traffic stop on a vehicle they determine to be causing a noise disturbance, as defined by City Ordinance 15.3. Officers shall choose the appropriate clearance code (either J3C or J4C) at the conclusion of the traffic stop. There is a "Loud Car Stereo Enforcement Guide" provided on the GPD Intranet page.

The Officer may issue the driver of the vehicle (and owner of the vehicle, if present) a City of Gainesville Noise Warning Notice to Correct Violation or an Alachua County Uniform Code Citation.

B. Enforcement Actions: [CALEA 82.2.2.e]

1. First Response: Upon responding to a noise violation at a location for the first time if the officer establishes probable cause a violation of the City's Noise ordinance has occurred the responding officer may issue a warning using the City of Gainesville Noise Warning Notice to Correct Violation (Violation of City Ordinance 15-3) to the owner, occupant, tenant and possibly the landlord.

If a noise warning is issued to the driver of a vehicle (and owner of the vehicle, if present) then the officer should articulate in the narrative of the warning comment section that the violation occurred on the public right away as defined by City Ordinance 15-3, noting that subsequent violations on public right-of-ways will result in a civil citation and appropriate penalty.

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2. First Violation: Upon the first violation of the noise warning within 365 days from the warning, the investigating officer will issue a Civil Citation using the Alachua County Uniform Code Citation (Noise Violation--City Ordinance 15-3).
3. Second Violation: Upon the second violation of the noise warning within 365 days the investigating officer will issue an Alachua County Uniform Code Citation (Noise Violation--City Ordinance 15-3). Fine shall be double the amount shown on the penalty schedule.
4. Third Violation: Upon the third violation of the noise warning, within 365 days, the investigating officer shall issue an Alachua County Uniform Code Citation (Noise Violation--City Ordinance 15-3) with a required mandatory court appearance. The investigating officer shall warn the violator (which may include the owner, occupant, tenant and possibly the landlord) that any future violation will result in his/her physical arrest in accordance.
5. Fourth Violation: Upon the fourth violation of the noise warning within 365 days the investigating officer shall charge the violator(s) criminally. The investigating officer may make a physical arrest of the on-scene violator(s) (which may include the owner, occupant, tenant and possibly the landlord) for a Noise Violation under City Ordinance 15-3. The investigating officer shall again warn the violator that any future violations will result in subsequent physical arrests.
6. Fifth and Subsequent Violation: Upon the fifth and subsequent violations of the noise warning within 365 days the investigating officer shall charge the violator(s) criminally. The investigating officer will make a physical arrest of the on-scene violator(s) (which may include the owner, occupant, tenant and possibly the landlord) for a Noise Violation under City Ordinance 15-3. The investigating officer shall again warn the violator that any future violations will result in subsequent physical arrests.

C. Refusal to Identify or Sign a Warning Notice or Civil Citation, Providing False

Information: Any person who provides fraudulent information about his/her identity, or who willfully refuses to identify him / herself, or sign and / or accept a warning or civil citation issued by an authorized enforcement officer shall be guilty of a misdemeanor, punishable as provided in Section 775.082 or Section 775.083 of Florida Statutes.

1. If the offender refuses to provide the appropriate information or signature, the officer shall affect a physical arrest.
2. The offender should be charged according to the offense, as follows:
 - a. Florida Statutes 843.01 or 843.02 (Resisting Officer With or Without Violence) for willfully refusing to give information necessary to complete a Warning Notice / Civil Citation.
 - b. Florida Statute 162.21(6), for refusing to sign a civil citation (also write "*Refused*" on the defendant's signature line on the completed citation form)
 - c. Florida Statute 901.36(1) for providing false identity or false information to a law enforcement officer.

D. Criminal Citations: Criminal Citations: Criminal sanctions for violations of the noise ordinance may be imposed by issuing a Notice to Appear (NTA), filing a sworn complaint, or making a physical arrest.

Physical Arrests: Physical arrests should not be the first action taken against a noise ordinance violator. Arrests may occur in circumstances that indicate that the person does not intend to comply, such as subsequent to the issuance of a warning and three citations.

1. When possible, officers shall consult with a supervisor before making a physical arrest.

2. Offense Classification: A noise offense is classified as a second-degree misdemeanor.

E. Records Division: The Records Division shall scan and enter all Noise Warnings and Noise Citations into the RMS FI module for tracking purposes.

By Order of

*Signed Original on File in the
Accreditation Unit*

**Nelson Moya
Chief of Police**

Noise Meter Procedures 05-2023

To All: Just FYI the noise meters are calibrated and ready for use. Please ensure when checking them out that you do a quick calibration test. Just as you might do a routine calibration test on our speed measurement radar.

To conduct the calibration on the noise meter:

- 1) Remove the wind screen
- 2) Place the meter into the slot provided on the calibration tester
- 3) Turn meter on and set to slow and low meter response (all readings should be conducted in slow and low meter response)
- 4) Turn on calibrator set to 94 dB.
- 5) Noise meter should read 94 or maybe a couple of tenths high 94.1 or 94.2.

Below is a description of the difference between Fast and Slow, and Low and high readings (if you care). Noise readings when determining violations should be conducted at low and slow settings with the wind screen on and at least 3 feet away from any stationary object.

Fast Time Weighting

Fast corresponds to 125 milliseconds up and down. The needle would be moving much faster, showing you the varying noise levels quickly.

The **Fast Time Weighting** is usually used for measuring all the sound in your environment, which may vary widely over time. Therefore, you would need to report the range of noise fluctuations e.g. 58 to 64 dB (A). **Fast** is generally the chosen Time Weighting for noise measurements.

Slow Time Weighting

Slow corresponds to 1000 milliseconds up and down. By slowing down the needle, the noise measurements are easier to read as the data is smoothed out.

By using the **Slow Time Weighting**, you are recording sound levels at 1 second intervals. This smoother level history can give you a better indication of the average noise level in an environment where it is constantly changing.

Impulse Time Weighting

Impulse is the least common of the Time Weightings. It's about four times faster than **Fast** (35 milliseconds) and is usually used to measure quick bursts of **impulsive noise**, generated by pile drivers or explosions. **Impulse Time Weighting** has often been used for the measurement from, for example, clay pigeon shooting ranges where there is a need to assess the short, impulsive noise created when a shotgun is fired.

If the meter is off calibration the Executive Lieutenants in the Operations Bureau will be responsible for this.