

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-10
NOISE POLLUTION**

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1-10.00 INTENT

Chapter 1-10 is intended to regulate noise pollution originating from stationary sources and traveling outdoors to other receiving properties. It is not the intent of this rule to regulate noises under all circumstances.

**Section History - new September 18, 2008
Effective September 18, 2008**

1-10.01 DEFINITIONS

(1) Definitions contained in Chapter 84-446, Laws of Florida, as amended, (EPC Act) apply to this rule.

(2) The following specific definitions shall apply to this rule:

(a) **A-Weighted Sound Level** - The sound pressure level decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

(b) **Background Sound Pressure Level** – The equivalent sound pressure level of all encompassing noise present in the environment in the absence of sound from the source in question.

(c) **Commercial Property** - All property which is used primarily for the sale of merchandise or goods, or for the performances of a service, or for office or clerical work.

(d) **Decibel (dB)** - A unit of measurement of sound pressure equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the

sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

(e) **East Bay Raceway** – A one-third (1/3) mile dirt track located at 6311 Burts Road in Hillsborough County.

(f) **Emergency** - Any occurrence or set of circumstances involving actual or imminent physical trauma, natural resource damage, or property damage which demands immediate action.

(g) **Emergency Response** - Any action performed for the purpose of preventing or alleviating an emergency, including training exercises related to emergency response.

(h) **Industrial Property** - Any property which is used primarily for manufacturing, processing, or distribution.

(i) **Leq** – Abbreviation for the equivalent sound pressure level which means the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying sound.

(j) **Octave Band** - All of the components in a sound spectrum whose frequencies are between two sine wave components separated by an octave.

(k) **Public Right-Of-Way** - Any street, avenue, boulevard, highway, sidewalk, or alley or similar place normally accessible to the public which is owned or controlled by a government entity.

(l) **Real Property Line** - An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

(m) **Residential Property** - All property designed for people to live and sleep, and which is not commercial or industrial as defined in this rule, including but not limited to homes, dwellings, individual plots within a mobile home park, hospitals, shelters designed for human habitation, schools, nursing homes, and parks that have sleeping accommodations. Residential property must be located (sited) in conformance

with applicable county or municipal zoning and land use provisions. For purposes of this rule, a legal non-conforming residential use is considered in conformance, and therefore residential property.

(n) **RMS (Root Mean Square) Sound Pressure** - The square root of the time averaged square of the sound pressure.

(o) **Sound** - An oscillation or alteration in pressure, stress, particle displacement, particle velocity, or other physical parameter, in an elastic medium; or, an auditory sensation evoked by the alterations described above. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(p) **Sound Level** - The weighted sound pressure level obtained by the use of a metering characteristic and weighting scale as specified in American National Standards Institute specifications for sound level meters ANSI S1.4-1983 (R2006) or in successor publications or amendments, including but not limited to ANSI S1.4A-1985 (R2006). If the weighting employed is not indicated, the A-weighting shall apply.

(q) **Sound Level Meter** - A device used to measure sound pressure level, or weighted sound pressure level, or octave band sound pressure level, and this device is of Type 2 or better, as specified in the American National Standards Institute Publication S1.4-1983 (R2006) or its successor publication or amendments, including but not limited to ANSI S1.4A-1985 (R2006).

(r) **Sound Pressure** - The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of energy, which accompanies the passage of a sound wave.

(s) **Sound Pressure Level** - Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is denoted SPL and is expressed in decibels.

(t) **Shooting Range** - An area designated and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar type of sport, law enforcement, or military shooting.

(u) **Stationary Source** – Any facility or activity that has the potential to emit sound and exists at or is designed to be operated as a unit at a fixed location, although parts of the source may move while the source is in operation. This includes but is not limited to all commercial and industrial facilities, e.g., remote control vehicle facilities and relocatable rock crushing operations.

(v) **Unamplified Sound** – Sound that is not amplified by any mechanical or electronic means.

**Section History – amended September 18, 2008
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1-10.03 SOUND LEVEL LIMITS

(1) Sound levels limits pursuant to this rule shall be measured with a sound level meter as an Leq for a 10-minute period of time. Sound levels which exceed the limits set forth in this rule for the receiving land when measured at or within the property line of the receiving land, or as measured at the locations described in 1-10.03(1) or 1-10.03(4), are a violation of this rule. The point of sound level compliance for receiving residences or other sleeping accommodations on agricultural and park land shall be measured at a distance no greater than 150 feet from the receiving residence or sleeping accommodation.

(2) **Sound Level Limits.** Unless otherwise specified in this rule, the below limits in this subsection and sub-section 1-10.03(4) shall be measured using the A-Weighted Sound Level (dBA).

Receiving Land Use Category	Time	Sound Level Limit, dBA
Residential	7 a.m.-10 p.m.	60
	10 p.m.- 7 a.m.	55
Commercial	At all times	65
Industrial	At All Times	70

(3) **Octave Band Residential Sound Level Limit.** In addition to the sound level limits of 1-10.03(2), for any source of sound which impacts

on residential property, the maximum allowable sound level limit for the individual octave bands whose centers are 63, 125, and 250 Hertz (Hz) shall not exceed the below listed decibel levels, measured as an Leq for a 10-minute period of time:

Octave Band	Time	Sound Level Limit - dB
63 Hz	7 a.m.-11 p.m.	70
63 Hz	11 p.m.- 7 a.m.	65
125 Hz	7 a.m.-11 p.m.	64
125 Hz	11 p.m.- 7 a.m.	59
250 Hz	7 a.m.-11 p.m.	57
250 Hz	11 p.m.- 7 a.m.	53

(4) **Air Conditioning and Air Handling Equipment, Pumps and Compressors Sound Level Limit.** No person shall operate or cause to be operated any air conditioning or air-handling equipment, or any pumps and compressors, in such a manner as to exceed 55 dBA as an Leq for a 10-minute period of time, measured from a distance of 40 feet or more from the source across a residential real property line at any time of the day or night.

(5) The Florida State Fairgrounds is subject to the sound level limits in this section and to all other provisions of this rule.

(6) No person shall generate, cause, let, permit, allow, or allow to continue any violation of this rule. If the same type of violation continues after the property owner is notified by the Environmental Protection Commission (EPC) or a law enforcement officer, then the property owner, even if he or she did not generate sound, will be deemed to have allowed the violation to continue.

**Section History – amended September 18, 2008
Amendment Effective September 18, 2008**

1-10.04 EXEMPTIONS

Any of the following exempt activities or sources listed in this section remain subject to any other laws, regulations, codes or ordinances.

The following activities or sources are exempt from the requirements of this rule and the EPC’s noise nuisance laws:

(1) The emission of sound from a person or any mechanical device, apparatus, or equipment for the purpose of alerting persons to the existence of an emergency, or sounds generated in the performance of emergency response duties, including training.

(2) The unamplified sound of the human voice.

(3) The unamplified sounds of animals.

(4) Except as conditioned below, reasonable operation of equipment or conduct of activities related to residential or agricultural communities, including but not limited to, lawn care and refuse collection. Commercial operation of motorized lawn, garden, or other outdoor maintenance equipment is exempt between the hours of 7 a.m. and 10 p.m.

(5) Sounds occurring at places of religious worship and related to those religious activities.

(6) Except where regulated elsewhere in this rule, events directly related to Gasparilla, New Year’s Eve, Guavaween, the Super Bowl, the Strawberry Festival, the Hillsborough County Fair, all federal holidays, parades, competitive sporting events, and the two week Florida State Fair but for any concerts at the Amphitheatre during that same two weeks.

(7) Mobile sources, including but not limited to:

(a) motor vehicles, including recreational motorized vehicles, and their associated stereos or other sound generating devices attached to the vehicles. This does not include racing vehicles and racing venues addressed elsewhere in this rule, nor does it include slamming of dump truck tailgates or unloading of vehicles; and

(b) the operation of trains, ships, personal watercraft, and aircraft.

(8) Common carrier stations, including but not limited to bus stations, transit malls, train stations, ships’ wharves and docks, and airports.

(9) Shooting ranges, except as provided in Section 1-10.07, and the shooting sounds associated with paintball facilities.

(10) Noise pollution generated by the Florida Department of Transportation arising from

activities at existing or future transportation facilities, or appurtenances thereto, on the State Highway System, pursuant to Section 335.02 (4), F.S.

(11) Construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday are exempt if reasonable precautions are taken to abate the noise pollution generated from those activities. Reasonable precautions shall include but not be limited to noise pollution abatement measures such as enclosure of the noise pollution source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times shall be subject to this Rule.

(12) Noise pollution originating from within a residential structure and its appurtenances.

(13) Noise pollution originating from entertainment or musical events in the Central Business District, the Ybor City Historic District, and the Channel District, as delineated in the City of Tampa Code of Ordinances.

(14) Athletic, musical, other school events, or practice for them, conducted under the auspices of public or private schools, but not limited to activities on school grounds.

**Section History – amended September 18, 2008
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1-10.05 COMPETITIVE MOTOR VEHICLE EVENTS

(1) Sound Level Limits -

(a) Sound levels from facilities holding competitive motor vehicle events shall be subject to the sound level limits of subsections 1-10.03(2) and (3), except for East Bay Raceway.

(b) Sound levels from competitive motor vehicle events at East Bay Raceway shall not exceed 78 dBA as an Lmax, measured with a sound level meter at or within receiving residential property.

(c) In the event East Bay Raceway adds a new racing event at its existing track, builds a new facility, or expands or relocates its existing racetrack then that new racing event and/or new, relocated, or expanded facility is subject to the sound level limits in subsections 1-10.03(2) and

(3).

(2) Authorization Required -

(a) Compliance with all applicable requirements of section 1-10.05 shall be demonstrated by completing a Competitive Motor Vehicle Events form provided by EPC staff and submitting it to the EPC Executive Director:

(1) prior to construction, alteration, or expansion of any competitive motor vehicle racing facility; and

(2) annually, by November 1 of each year for all racing activities planned for the following calendar year.

The Competitive Motor Vehicle Events form is maintained by the Air Management Division.

(b) Any racing facility submitting a complete Competitive Motor Vehicle Events form, including all requirements of this section, shall be eligible to operate unless the Executive Director makes a written decision of ineligibility within 45 days of receipt of the complete form, except new or modified race tracks will require a modeling demonstration as described in subsection 1-10.05(3)(a) be affirmatively approved by the Executive Director prior to operation or construction. Any incomplete form shall be returned to the applicant for further information, and the 45-day EPC review will restart upon Executive Director's receipt of the amended form. Any person aggrieved by the decision of the EPC Executive Director may challenge the decision pursuant to Section 9 of the EPC Act and Section 1-2.30, Rules of the EPC.

(3) General Requirements for All Motor Vehicle Racing Facilities.

(a) In addition to the form required above, no person shall begin construction or begin operation of a new racing facility, or begin alteration or expansion of a racing facility existing as of the date of this rule without first submitting a written demonstration of ability to comply with the sound level limits in Section 1-10.05(1)(a). The demonstration shall include but not be limited to modeling by an acoustical expert to demonstrate compliance. The demonstration will be reviewed by EPC staff, and

construction, alteration or expansion can not commence prior to approval by the Executive Director. The Competitive Motor Vehicle Events form shall be submitted in conjunction with the demonstration.

(b) All motor vehicles participating in racing events shall be inspected by designated raceway personnel prior to each race to ensure that appropriate sound-attenuating mufflers are being used during the racing event and all preliminary race activities. A written record of the following information shall be maintained: the date, time and place of inspection; the person performing the inspection; description of vehicle inspected; and results of the inspection.

(c) The Competitive Motor Vehicle Events form will include the following information for all races scheduled for the next calendar year:

(1) Name, address, and telephone number of the person, firm, corporation, or other entity responsible for the racing events.

(2) Name and telephone number of a responsible party who may be reached during all racing events.

(3) Location, dates and times of all racing events for that calendar year, including the beginning and ending times of the races, and the number and types of vehicles in the races.

(4) Descriptions of all measures, methods, and work practices used to reduce the volume of noise pollution generated by the racing events.

(5) Provisions for employee training, including familiarization with the requirements of this rule.

(6) Provisions for trackside and boundary noise pollution monitoring.

(d) All records of operations, inspections and noise pollution monitoring shall be retained on site for a minimum of two years and made available to EPC staff upon request.

(e) All racing facilities shall allow EPC personnel access to the premises at reasonable times to copy records, inspect or monitor the operations to determine compliance with EPC rules.

(f) Any deviation from the hours of

operation or dates of operation shall be reported to EPC staff within 24 hours of the occurrence.

(4) Specific Requirements for East Bay Raceway.

(a) During East Bay Raceway's current annual race event, which is not to exceed six consecutive weeks, the races shall end by 10:30 p.m. with a one-hour extension for delays.

(b) East Bay Raceway's regular season races on Friday and Saturday nights shall end by 11:30 p.m. with a thirty-minute extension for delays. Regular season Sunday races are for emergency make-up only and are allowed from 5 p.m. to 10:30 p.m.

(c) East Bay Raceway shall keep records of race stop times for each race day, and the number and types of vehicles participating in each event.

**Section History – amended September 18, 2008
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1-10.06 WAIVER OR VARIANCE

Persons may apply for a waiver or variance to all or a portion of this rule by filing an application pursuant to section 1-2.50, Rules of the EPC.

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1-10.07 SHOOTING RANGES

(1) The EPC recognizes that the field of shooting ranges is primarily regulated by the State, but for the exceptions provided for in Section 823.16, F.S. and as further detailed in section 1-10.07(2).

(2) Compliance Demonstration Required

(a) Any sport shooting range constructed or in initial operation after December 19, 2000 shall submit to the Executive Director for review and approval, a sound study, performed by a member of the National Council of Acoustical Consultants, or the National Institute of Noise Control Engineers, demonstrating compliance with the A-scale sound level limits in Section 1-10.03. The sound study shall be submitted within 30 days of completion of construction or initial operation.

(b) The sound study shall consist of sound readings taken 500 feet from the real property line of the sport shooting range, or the

real property line of the nearest residential property, whichever is closer, on the north, south, east and west sides of the sport shooting range. Readings shall be taken when the range is operating at maximum capacity. One set of readings shall be taken between the hours of 7 a.m. to 10 p. m., and a second set between the hours of 10 p.m. and 7 a.m. Sound levels shall be measured on the A-scale only, using a sound level meter as defined by this rule. Meteorological conditions during each test must be submitted as part of the study.

(c) Any sport shooting range that is constructed or in initial operation after December 19, 2000, and either fails to submit a sound study or the study fails to demonstrate compliance with the standards in this rule shall be subject to and must comply with the EPC Act and the A-scale sound level limits in Section 1-10.03.

Section History – amended September 18, 2008

Amendment Effective September 18, 2008

1-10.08 METHODOLOGY

EPC staff maintains standard operating procedures for measuring sound levels and analyzing them in accordance with the provisions of this rule. These procedures are not adopted by this rule and may be revised as necessary to address updated standards applicable to the measurement and analysis of sound levels.

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