

**SANDESTIN OWNERS ASSOCIATION, INC.**  
**NOISE REGULATION**

Revision 3; 07/08/02

A Regulation of the Sandestin Owners Association, Inc. (S.O.A.) relating to noise; providing for authority; providing for definitions; providing for prohibitions; providing for measurement of sound; providing for classification of use occupancies; providing for maximum permissible sound levels by use occupancy; providing for exemptions; providing for special permits; providing for violations and penalties; providing for severability; and providing for an effective date.

Be it ordained by the Board of Directors of Sandestin Owners Association, Inc., as follows:

Section 1. Authority. The authority for the enactment of this Regulation is by the vote of the Board of Directors of the S.O.A. at its regularly scheduled meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Section 2. Definitions. For the purpose of this Regulation, the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning.

- A. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.
- B. "Decibel (dB)" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.
- C. "Sound pressure level" means twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference of twenty (20) micropascals.
- D. "Sound level meter" means an instrument, which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels and is in conformance with type 1 or type 2 standards as specified in ANSI Standard S1.4-1983.

- E. “Sound level” means the A-weighted sound pressure level, measured with a sound level meter (SLM).
- F. “Person” means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, the state, or any political subdivision thereof.
- G. “Emergency work” means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.
- H. “Noise” means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- I. “Noise disturbance” means any sound that disturbs a reasonable person of normal sensitivities.
- J. “Sound” means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- K. “Property line” means an imaginary line along the surface and its vertical plane extension, which defines the boundary of the real property owned, rented or leased by one person from that owned, rented or leased by another person. Intra-building real property lines are excluded.
- L. “Average level” or “equivalent sound level (Leq)” means the average of the sound level over some stated continuous period of time. For purposes of this regulation, the period of time is two (2) minutes.
- M. “Ambient noise” means the all-encompassing noise that is normally associated with a particular environmental surrounding, usually being made up of a composite of sounds. This is sometimes referred to as background noise.
- N. “Source” means the location of and the activity, which emits noise or sound, which is audible outside the source owner’s property line.
- O. “Receiver” means the location, or land use category of a location, where persons are located who are annoyed by noise or sound they hear coming from another property.

- P. "Holiday weekend" means the following weekends: Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas and New Years.
- Q. "Weekend" means from Friday at 5:00 p.m. until Sunday at 10:00 p.m.

### Section 3. Prohibitions.

- A. Except as stated in Section 7, It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the limits set forth in this Regulation for the use occupancy.
- B. As to amplified sounds, it is prohibited to operate, play, or permit the operation of any radio, television, phonograph, loud speaker, public address system or sound amplification device such that the sound therefrom exceeds the permissible sound levels in Section 6.
- C. Prohibited acts, of intermittent noise disturbances include horns, alarms, animals, unamplified voices, power tools, fire arms, amplified sounds, and loading/unloading of crates/boxes between the hours of 10:00pm and 6:00am on weekdays and 12:00am and 6:00am on weekends in such a manner as to cause a noise disturbance.

### Section 4. Measurement of Sound.

- A. The measurement of sound or noise shall be made with Sandestin's sound level meter, which shall meet the standards prescribed by the American National Standards Institute (ANSI) standard S1.4-1983. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used at all times. Traffic, aircraft and other transportation noise sources and other noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. If the background noise interferes with the primary noise being measured, the primary noise being measured shall be limited to a level which is the greater of either the Table I value, or where combined with the ambient sound, a level which is two (2) decibels above the level of the ambient sound level measurement alone.
- B. The slow meter response of Sandestin's sound level meter shall be used in order to best determine that the average level has not exceeded the

limits set forth for the use occupancy category in Table I below. A sound level meter with a level averaging circuit may be used.

- C. The measurement shall be made at or up to fifty (50) feet beyond the property line of the property on which such noise is generated. In the event of a complaint, the measurement shall be made at or up to fifty (50) feet beyond the property line of the property on which such noise is generated in the direction of the complainant location. Any measurement shall be two (2) minutes in continuous duration, and the average level, Leq, over this period shall be recorded.
- D. In the case of an elevated or directional sound or noise source, compliance with the noise limits shall be maintained at any elevation at the boundary.
- E. The ambient sound level measurement shall be measured at the same location utilized in Section 4C, while the primary noise being measured is inoperative. If the primary noise being measured cannot be turned off, is not turned off or if additional sound is created to distort the ambient sound level measurement, the ambient sound level measurement will be estimated by performing a measurement in the same general area of the noise being measured.

Section 5. Classification of Use Occupancies. For purposes of defining “use occupancies”, all premises considered as residential shall be considered residential use. For purposes of this regulation, a residential neighborhood shall be defined as one in which the units or dwellings are offered for rent for a duration of no longer than 30 days. All premises containing transient commercial sleeping quarters legally permitted shall be considered tourist use. For purposes of this regulation, a tourist use neighborhood shall be defined as one in which the units or dwellings are offered for rent for a duration of no longer than 30 days. All premises containing business where sales, professional, or other commercial use is legally permitted shall be considered commercial use. In other cases of multiple use zones, the more restrictive zoned use category shall prevail. Any area not otherwise classified shall conform to commercial standards.

Section 6. Maximum Permissible Sound Levels by Use Occupancy. No person shall operate or cause to be operated any source of sound from any use occupancy in such a manner as to create a sound level which, over a continuous period of two (2) minutes, exceeds the limits set forth in the use occupancy category in Table I below.

Table I

<u>Use Occupancy Category</u>	<u>Time</u>	<u>Sound Level Limit (Leq)</u>
Residential (weekdays and non-holiday weekends)	6:00a.m. to 10:00p.m.	60 dBA
	10:00p.m. to 6:00a.m.	55 dBA
Residential (holiday weekends)	6:00a.m. to 12:00a.m.	60 dBA
	12:00a.m. to 6:00a.m.	55 dBA
Commercial or Tourist (weekdays)	6:00a.m. to 10:00p.m.	70 dBA
	10:00p.m. to 6:00a.m.	65 dBA
Commercial or Tourist (weekends)	6:00a.m. to 12:00a.m.	70 dBA
	12:00a.m. to 2:00a.m.	70 dBA
	2:00a.m. to 6:00a.m.	65 dBA

Section 7. Exemptions. The following uses and activities shall be exempt from noise level regulations:

- A. Since first floor and other portions of the Village of Baytowne Wharf are used for Resort support and commercial purposes, including restaurants, night clubs, private clubs, and offices. Owners and tenants within the Village are exempt from the prohibition described in section 3.
- B. Air conditioners are exempt from provisions of Table I of this Regulation when this equipment is functioning in accord with the manufacturer's specifications and with all manufacturers standard mufflers and noise-reducing equipment in use and in proper operating condition according to standards promulgated by the American Refrigeration Institute. The same exception shall apply to lawn mowers, agricultural equipment and homeowners' mechanized tools during daylight hours.
- C. Non-amplified crowd noises.
- D. Construction operations for which building permits have been issued, providing all equipment is operated in accordance with its manufacturers specifications and uses as standard equipment, its manufacturers mufflers and noise-reducing equipment and in proper operating condition; and providing construction operations are limited to the hours between 7:00a.m. and 6:00p.m.
- E. Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches.

- F. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- G. Noises resulting from emergency work as defined in Section 2G.
- H. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the S.O.A. in accordance with Section 8. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in Section 8.
- I. Noises made by persons having obtained a permit to use the streets.
- J. All noises coming from the normal operations of aircraft (not including scale model aircraft).
- K. Those motor vehicles controlled by Florida Statutes Section 316.293 (1988), but not those motor vehicles exempted from coverage.
- L. Motor vehicles defined in Florida Statutes Section 316.293(6)(a) and (b) (1988).
- M. Vessels operated on the waters muffled pursuant to Section 327.65, Florida Statutes (1988).

Section 8. Special Permits. Applications for a special permit for relief from the maximum allowable noise level limits designated in this Regulation may be made in writing to the appropriate designee. Any special permit granted by the appropriate designee hereunder must be in writing and shall contain all conditions upon which said special permit shall be effective. The appropriate designee may grant the relief as applied for under the following conditions:

- A. The appropriate designee of the S.O.A. is the Sandestin Owners Association Manger. The designee of the Hilton Hotel is the Hilton Manger on Duty. The designee of the Bayside Inn is the manager on Duty. The designee of the Village of Baytowne Wharf is the Baytowne Wharf Neighborhood Association Manger. Designees may prescribe any reasonable conditions or requirements as deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- B. Special permits for entertainment: The appropriate designee may grant special permits for the purpose of entertainment for any and all purposes deemed appropriate.

- C. Special permits for non-entertainment: The appropriate designee may grant special permits for non-entertainment special purposes for any and all purposes deemed appropriate.
- D. No special permit may be issued to permit the use of any loudspeaker or sound-amplifying device on the exterior of any building that at any time exceeds the sound level limits in Table I, except those used for emergency warnings.

Section 9. Procedures and Responsibilities. Upon believing that a noise disturbance is occurring, owners, tenants, Sandestin staff, or S.O.A. staff members shall report the incident to a member of the Security staff who shall, within 30 minutes, dispatch a person who has been trained in the use of Sandestin's sound level meter. Upon interviewing the person filing the complaint, and completing the applicable sections of the report form, if the noise disturbance as prohibited by section 3A and 3B is found, sound measurements shall be made in accordance with the operating procedure and in accordance with Section 4. In the event that the sound level exceeds that shown in Section 6, a written warning shall be issued. In the event that a noise disturbance as prohibited by section 3C is found, a written warning shall be issued.

Section 10. Violations and Penalties.

- A. No acts proscribed by this Regulation shall be deemed a violation thereof, unless and until the following conditions have been met:
  - (1) The appropriate designee of the S.O.A. has issued a written warning to the offender.
  - (2) Within one hour, the person or party causing such excessive and unnecessary noise has persisted in the creating of such noise.
- B. Any person who, after meeting the conditions outlined in Section 9A above, violates any of the provisions of this Regulation shall be deemed guilty of violating this Regulation, and shall be required to immediately cease further activities and shall remit as a fine, an amount equal to \$500.00.

Section 11. Severability. Each separate provision of this Regulation is deemed independent of all other provisions herein so that if any portion or provision of this Regulation is declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 12. Effective Date. This Regulation shall become effective upon adoption by the Board of Directors of the Sandestin Owners Association, Inc. and signature of the president.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2002.

SANDESTIN OWNERS ASSOCIATION, INC.

Mike Stange  
President