

PUTNAM COUNTY ORDINANCE NO. 2002- \_\_\_\_\_

AN ORDINANCE REPEALING ORDINANCE 2002-16, RELATING TO THE REGULATION OF SOUND; ESTABLISHING PERMISSIBLE SOUND LEVELS WITHIN THE UNINCORPORATED AREAS OF PUTNAM COUNTY; PROVIDING DEFINITIONS; DECLARING INTENT; PROVIDING FOR EXEMPTIONS; PROVIDING FOR METHODS OF ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Putnam County Board of County Commissioners is authorized and empowered to provide by law for the control of noise; and

WHEREAS, the making, creation or maintenance of excessive or unusually loud noises which are unusual and unnatural in their time, place and use affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the unincorporated areas of Putnam County; and

WHEREAS, the necessity, in the public interest, for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the unincorporated areas of Putnam County and the persons therein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY FLORIDA THAT:

**Section 1. Title**

This Ordinance may be known and cited as the "Noise Control Ordinance of Putnam County, Florida".

**Section 2. Applicability**

This Ordinance shall apply to and be enforced in all unincorporated areas of Putnam County.

**Section 3. Scope**

This Ordinance shall apply to all sound originating within the unincorporated area of Putnam County. It shall be unlawful, except as expressly permitted below, to make, cause or allow the making of any sound which exceeds the limits set forth in Section 6 hereof.

#### **Section 4. Definitions**

The following definitions shall apply in the interpretation, enforcement and intent of this Ordinance. When not inconsistent with the context, words used in the present tense include the future, words used in the singular include the plural, and the plural the singular. The word "shall" or "must" is always mandatory and not merely directory. The word "may" is permissible and not mandatory. The masculine gender shall include the feminine or neutral gender. All terms used herein and not defined below shall be in conformance with applicable publications and standards of the American National Standards Institute ("ANSI") or its successor body.

- (1) **Amplified Sound** means any noise or sound that is artificially enhanced or increased in volume by means of amplifiers, speakers, tape or disc players, radios, or similar electronic or electric devices.
- (2) **County Administrator** means the County Administrator of Putnam County or his or her designee.
- (3) **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 dB(A).
- (4) **Decibel (dB)** means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm in the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.
- (5) **Noise control officer ("NCO")** means the Putnam County Sheriff, Code Enforcement Officer and any other person(s) designated as such by the Sheriff or the Board of County Commissioners.
- (6) **Person** means any individual, association, partnership, corporation or other entity and includes any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.
- (7) **Plainly Audible** means sound emanating from a source that can be clearly heard, including the bass sounds of music, whether or not the Noise Control Officer can make out words.
- (8) **Sound level** means the A-weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting network, as specified in American National Standards Institute specification for sound level meters (ANSI SI.4-1971, or the latest approved version thereof).
- (8) **Sound level meter** means an instrument that includes a microphone, amplifier, RMS detector, response dampening circuit, output meter, and weighing network used to measure sound pressure levels.
- (9) **Sound pressure level** means twenty (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference of twenty (20) micronewtons per square meter.

- (10) **Sunrise** means thirty (30) minutes before the official sunrise as indicated in the Farmer's Almanac.
- (11) **Sunset** means thirty (30) minutes after the official sunset as indicated in the Farmer's Almanac.

**Section 5. Measurement standards**

Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound shall be consistent with accepted principles of noise measurement in accord with the standards of the American National Standards Institute or its successor body.

**Section 6. Maximum permissible sound levels by receiving use.**

A. Except as provided for in Subsection B & C, and Section 8, no person shall operate or cause to be operated any source of sound in such a manner as to create a sound level that exceeds the sound level limits set forth for the appropriate use category in Table 1 below. The measurement shall be taken at the property line of the generating source of the noise.

<b>Table 1 -- Maximum Sound Levels</b>		
<b>Zoning Category of Receiving Use</b>	<b>Time</b>	<b>Sound level limit (d.b.a.)</b>
Residential zoned property	Sun-down to Sun-up	65
Residential zoned property	Sun-up to Sun-down	70
Commercial or business zoned property *	Sun-down to Sun-up	70
Commercial or business zoned property *	Sun-up to Sun-down	80
Manufacturing and industrial zoned prop.**	Sun-down to Sun-up	70
Manufacturing and industrial zoned prop.**	Sun-up to Sun-down	80
Agricultural zoned property***	Sun-down to Sun-up	65
Agricultural zoned property***	Sun-up to Sun-down	75
Public Space	All times	70

\* See section 8, subparagraph (10)  
 \*\* See section 8, subparagraph (11)  
 \*\*\* See section 8, subparagraph (12)

- B. No person shall operate or cause to be operated any source of Amplified Sound from a motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from the source of the sound.
- C. No person shall operate or cause to be operated any source of Amplified sound from a residentially zoned property or agriculturally zoned property that is plainly audible at a distance of one hundred (100) feet or more from the source of the sound.
- D. No person shall create or cause any sound within any noise-sensitive zone so as to exceed the decibel levels set forth for such zone when measured at a distance of at least 25 feet

from the sound source, provided that conspicuous signs are displayed indicating the noise sensitive use. A noise sensitive use means hospitals, nursing homes, schools, courts of law or other areas designated by resolution of the Board of County Commissioners, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive use

E. When Exceeded: The sound level limits set forth in Table 1 shall be exceeded when any of the following occur:

- 1) The sound at any one point in time exceeds any of the established zone limits in Table 1 by a measured sound level of fifteen (15) Db(A); or
- 2) The sound exceeds any of the established zone limits in Table 1 by a measured sound level of ten (10) Db(A) for a cumulative total of one minute or more out of any ten (10) minute period; or
- 3) The sound exceeds, except in the Industrial District, any of the established zone limits in Table 1 by a measured sound level of five (5) Db (A) continually for a period of five (5) minutes, or a total of five (5) minutes out of any ten (10) minute period.

#### **Section 7. Method of sound level measurement**

For purposes of Section 6.A above, sound level measurement shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by American National Standards Institute or other reasonable standards adopted by the County.

#### **Section 8. Exempt noises**

The following are exempt from the provisions of this Ordinance:

- (1) Sounds of safety signals, warning devices, emergency pressure relief valves, and bells and chimes of churches.
- (2) Sounds resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
- (3) Any sound resulting from activities of a temporary duration authorized by a license or permit issued pursuant to Section 9 hereof.
- (4) Amplified sound regulated by the federal government, but only to the extent of federal preemption.
- (5) Sounds of lawnmowers and other lawn, tree and garden maintenance equipment being used for ordinary lawn, tree and garden maintenance between sunrise and sunset
- (6) Tools and equipment being used to construct lawful structures, including land moving equipment, between sunrise and sunset.
- (7) Sounds generated by school-sponsored activities, including, but not limited to,

sporting events, band activities, plays, and graduation and other ceremonies.

- (8) Boats with a motor, except airboats.
- (9) Airboats operating in furtherance of lawful activity allowed under a commercial license or hunting license. Airboats not operating in furtherance of a commercial or hunting license shall be exempt only from sunrise to sunset. This shall not be read to exempt the running of airboat engines while the airboat is parked on dry land or the airboat is operating on or off the water without a working muffler system.
- (10) Sounds generated by normal commercial operations for commercial uses located in a C-2, C-3 or C-4 zoning district, including Commercial PUDs. A use allowed in the district by special exception or special use permits or uses that may be a part of a Commercial PUD may be subject to conditions that reduce noise levels of the proposed use in accord with this ordinance.
- (11) Sounds generated by normal industrial operations for industrial uses located in an industrial zoning district, including Industrial PUDs. A use allowed in the district by special exception or special use permits or uses that may be a part of an Industrial PUD may be subject to conditions that reduce noise levels of the proposed use in accord with this ordinance.
- (12) Sounds generated by normal agricultural operations in agricultural zoning districts, including Agricultural PUDs. An agriculture use allowed in the district by special exception or special use permits, or uses that may be a part of an Agricultural PUD may be subject to conditions that reduce noise levels of the proposed use in accord with this ordinance.
- (13) Discharge of weapons for lawful hunting or target practice in an area where such hunting or target practice is allowed by the land development code or state law between sunrise and sunset.

### **Section 9. Special permits to exceed noise levels**

Application for a permit for relief from the maximum sound level limits may be made in writing to the County Administrator. Any permit granted hereunder must be in writing and shall contain all conditions (including time limits) upon which the permit is granted. The County Administrator may grant the special permit as follows:

- (1) The County Administrator may impose any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.
- (2) If the special purpose is a recurring one, it must not recur more than four (4) times in any calendar year.
- (3) Special permits may be issued for no longer than fifteen (15) consecutive days, renewable by further application.

- (4) County Administrator shall send written notices to property owners within 300 feet of the parcel where the activity will take place prior to the issuance of a special permit and allow said owners a reasonable time to object to the issuance of the permit. Such permits may be reviewed and issued as part of a temporary use permit.

### **Section 10. Enforcement responsibility**

The NCO shall have the enforcement responsibility for this Ordinance. The NCO shall investigate any potential violations of this Ordinance either on complaint of a person alleging a violation or by observation. Such complainant may be anonymous. This Ordinance shall not be read to preempt or abrogate the sheriff's authority to issue citation under section 316.3045, Florida Statutes.

### **Section 11. Violations; Penalty**

A. It shall be unlawful for any person to hinder or prevent the performance of any act or duty authorized or required by this Ordinance. Violation of any provision of this Ordinance is a civil infraction with a maximum civil penalty of \$500. The NCO, finding probable cause that a person has committed an act in violation of this Ordinance, may issue that person a citation. Any person charged under this section who does not wish to contest the citation shall pay, within 30 days of the date of receiving the citation, the penalty and costs applicable to a Class IV violation set forth in Administrative Order No. 97-002 dated February 25, 1997, as the same may be amended from time to time (the "Administrative Order"), what is currently a total of \$57.00, either by mail or in person to the Clerk of the County Court. If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived the right to a hearing. The penalty for violations of sound emanating from automobiles shall be as established in Chapter 318 of the Florida Statutes.

B. Any person who wishes to contest the citation must, within 30 days of the date of receiving the citation, appear in person at the office of the Clerk of County Court and enter a not guilty plea. A hearing date will be set by the Court and the Clerk shall mail a Notice of Hearing. The County Judge, after the hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the County Judge may impose a penalty not to exceed \$500.00 and may assess costs pursuant to the Administrative Order.

C. Failure to pay the penalty or to timely contest the citation shall result in an Order to Show Cause being issued by the Court. Said Order to Show Cause shall require the offender to appear before the County Judge on a certain date to show cause why he should not be held in contempt of court for failure to respond. The Court may fine the offender up to Five Hundred Dollars (\$500.00) and may assess costs pursuant to the Administrative Order.

D. As provided in Section 162.21(6), Florida Statutes, any person who willfully refuses to sign and accept a citation shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, Fla. Stat.

### **Section 12. Conflict and Severability**

Should this Ordinance conflict with any other ordinance of Putnam County or any other applicable law, the more restrictive shall apply. Should any section, subsection or provision of this

Ordinance be declared unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the parts declared to be unconstitutional or invalid.

**Section 13. Inclusion in the Code of Laws and Ordinances**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Putnam County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

**Section 14. Repealer**

This Ordinance supersedes Ordinance No. 2002-16, which is hereby repealed in all respects.

**Section 15. Effective Date**

This Noise Control Ordinance of Putnam County, Florida shall become effective immediately upon receipt of official acknowledgment of filing by the Secretary of State.

**DONE, ORDERED AND ADOPTED** by the Putnam County Board of County Commissioners this \_\_\_\_ day of \_\_\_\_\_, 2002.

**BOARD OF COUNTY COMMISSIONERS  
PUTNAM COUNTY, FLORIDA**

**ATTEST:**

By \_\_\_\_\_  
**Brad Purcell, Chairman**

\_\_\_\_\_  
**Tim Smith  
Clerk of Courts**