

ORDINANCE 17-18-10

AN ORDINANCE AMENDING SECTIONS 2-243 AND 2-349 RELATING TO THE DESIGNATION OF ANIMAL CONTROL OFFICERS AS EMPLOYEES OF THE HIGHLANDS COUNTY SHERIFF'S OFFICE AND AMENDING SECTION 5.6-103, RELATING TO THE DEFINITION OF ANIMAL CONTROL OFFICERS AS EMPLOYEES OF THE HIGHLANDS COUNTY SHERIFF'S OFFICE, ALL OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 1, 2016, the management of the Highlands County Animal Control Services was transferred from Highlands County Board of County Commissioners to the Highlands County Sheriff's Office; and

WHEREAS, the Highlands County Board of County Commissioners deems it necessary for the public good order and for clarity to revise the Code of Ordinance, Highlands County, Florida, to designate Animal Control Officers as employees of the Highlands County Sheriff's Office.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, after due notice and public hearing, that:

SECTION 1. Amendment and Adoption. Section 2-243 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:

Sec. 2-243. - Designation of code enforcement officers.

For purposes of this division, the board of county commissioners hereby designates all code enforcement officers, and code inspectors, ~~animal control officers~~ employed by the board of county commissioners and all animal services officers employed by the Highlands County Sheriff's Office and all sworn law enforcement officers as "code enforcement officers" who shall have the powers and authority to enforce the codes and ordinances of the county as set forth in this division.

SECTION 2. Amendment and Adoption. Section 2-349 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:

Sec. 2-349. - Designation of code enforcement officers.

For purposes of this article, the board hereby designates the building official, zoning supervisor, county engineer, solid waste director, development services director, and all

building inspectors, code enforcement officers, firesafety inspectors, code inspectors, ~~and animal control officers~~ employed by the board; all animal services officers employed by the Highlands County Sheriff's Office; and all sworn law enforcement officers as "code enforcement officers" who shall have the powers and authority to enforce County Code as set forth in this article.

SECTION 3. Amendment and Adoption. Section 5.6-103 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:

Sec. 5.6-103. - Definitions.

For the purpose of this article, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent to the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Use of the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely discretionary.

A-weighted sound level means sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated "dBA" and best simulates that of a human hearing.

Ambient noise means the all-encompassing noise associated with a given environment, being a composite of sound from many sources near and far.

ANSI means the American National Standards Institute or its successor bodies.

Construction equipment and activity means any site preparation, assembly, erection, excavation, substantial repair, alteration, or improvement of realty, whether publicly or privately owned, and whether above ground or below ground.

Decibel means a unit of measure used to gauge the intensity of a sound; the mathematical formula for which is expressed as the volume of sound which is equal to 20 times the logarithm to the base ten of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals; abbreviated "dB."

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma to human beings, living creatures, or property damage which necessitates immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, including work necessary to restore property to a safe condition following an emergency.

Code enforcement officer means law enforcement officers and animal services officers employed by the Highlands County Sheriff's Office and Code Enforcement Officers ~~and Animal Control Officers~~ employed by the Highlands County Board of County Commissioners.

Multifamily dwelling unit means a building or structure designed or used exclusively for residential occupancy by two or more families including, but not limited to, apartments, condominiums, townhouses, or duplexes.

Noise means any sound which is unwanted, annoys, or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means sound which (a) is harmful or injurious to the health or welfare of a reasonable person with normal sensitivities, or (b) unreasonably interferes with the enjoyment or normal conduct of life, property or outdoor recreation.

Person means any individual, association, partnership, corporation, governmental agency, business trust, estate, trust, joint venture or any entity public or private in nature.

Plainly audible means clearly loud enough to be heard through perception of the human ear. In such cases, the location of the source of the noise and the type of the noise being generated can be readily described.

Real property line means an imaginary line along the surface of land including its vertical extension that separates one parcel of real property from another.

Reasonable time means such length of time as may fairly and properly be allowed or required to eliminate or abate a noise found to be in violation of this article after a warning has been issued. The duration of time shall be dependent on the source of the noise and what action can be taken to eliminate the noise causing said violation.

Receiving land means land area neighboring or in the vicinity of a sound source and on which the sound emanating from the sound source is audible to the normal human ear.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sound level means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B or C as specified in American National Standards Institute specifications for sound level meters ANSI S1.4-1971, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument including a microphone, an amplifier, RMS detector, integrator or time averager, output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner. The output meter reads sound pressure levels when properly calibrated according to the manufacturer's specifications.

Zoning district means any of the categories of land use designated in the Zoning Regulations of Highlands County which can broadly be divided into four distinct uses being residential, commercial or business, industrial or manufacturing, and agricultural.

SECTION 4. Severability. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance.

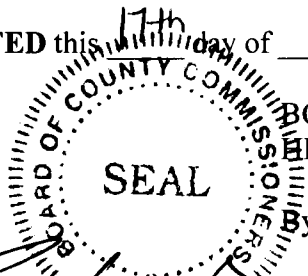
SECTION 5. Inclusion in Code. When the text of this Ordinance is published for inclusion in the Code of Ordinances, Highlands County, Florida, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined text shall be added so that the text of the Code shall be as amended rather than in legislative format used in this Ordinance to highlight the changes being made.

SECTION 6. Conflict. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon filing with the Department of State.

DONE AND ADOPTED this 17th day of APRIL, 2018.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

By: R. Greg Harris
R. Greg Harris, Chairman

ATTEST:

Robert W. Germaine
Robert W. Germaine, Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 18, 2018

Honorable Robert W. Germaine
Clerk of the Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Attention: Pamela Gamez, Deputy Clerk

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 17-18-10, which was filed in this office on April 18, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb