Regular Meeting June 22, 2021
Public Hearing at 9:00 AM

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA, REPEALING SECTION 14-4 OF THE SANTA ROSA CODE OF ORDINANCES ENTITLED "NUISANCE NOISE" AND ADOPTING A NEW ARTICLE VI, CHAPTER 14 OF THE SANTA ROSA CODE OF ORDINANCES PRESCRIBING CERTAIN NOISE REGULATIONS; PROVIDING CERTAIN DEFINITIONS; MAKING LEGISLATIVE FINDINGS; PROVIDING APPLICABILITY; PROHIBITING EXCESSIVE NOISE; PROVIDING EXEMPTIONS; PROVIDING FOR ENFORCEMENT; OUTLINING ENFORCEMENT PROCEDURES AND A PENALTY SCHEDULE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the Board of County Commissioners of Santa Rosa County ("Board") adopted Section 14-4 of the Santa Rosa County Code of Ordinances (the "Code") to provide for the enforcement of Nuisance Noise violations; and

WHEREAS, Section 14-4 of the Code prescribes a "plainly audible" standard for violations, which provides for a more subjective and uncertain enforcement procedure; and

WHEREAS, the Board of County Commissioners now desires to repeal the existing Noise regulations and prescribe new Noise regulations that utilize prescribed dB ranges for determination of Noise violations.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Santa Rosa County, Florida, that:

SECTION 1. INCORPORATION OF RECITALS. The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. REPEAL OF SECTION 14-4 OF THE CODE. Section 14-4 of the Code is hereby repealed in its entirety on the effective date of this Ordinance and replaced with the new Noise regulations promulgated herein.

SECTION 3. CREATION OF NEW ARTICLE VI, CHAPTER 14 OF THE SANTA ROSA CODE OF ORDINANCES PRESCRIBING NOISE REGULATIONS. The Board hereby creates a new Article VI, Chapter 14 of the Code to read as follows:

ARTICLE VI. – NOISE.

Sec. 14-168. - Definitions. For the purposes of this article, the following terms shall have the following meanings unless the context clearly requires otherwise. Terms not defined in this article shall have the same meaning as their ordinary use indicates. All technical acoustical terminology and standards used in this article which are not defined herein shall be construed in conformance with the American National Standards Institute, Inc. publication entitled "Acoustical Terminology" or its successor publication.

American National Standards Institute, Inc. or *ANSI* means that organization or a successor entity, responsible for accrediting industry standards including standards for sound and sound measurement devices.

Board means the Board of County Commissioners of Santa Rosa County, Florida.

Code Enforcement Officer means any agent or employee of the County whose duty is to ensure code compliance, as defined in Section 2-301 of the Code.

Construction means any site preparation, assembly, erection, repair, alteration, or similar action, including demolition of buildings or structures.

Decibel or *dB* means a unit of measurement for describing the amplitude of sound or sound pressure level at a specified location.

dB(A) shall mean the sound pressure level calculated using the "A" weighting network.

Dwelling unit means a building, or a portion thereof, which is designed for Residential purposes, consisting of one or more rooms which are arranged, designed, or used as living quarters for one family only.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency Signal Device means any gong, whistle, siren, bell, air horn, or similar device which is permitted for use by an Emergency vehicle.

Emergency Work means any work or action necessary to deliver essential public services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life threatening conditions.

Industrial property means a parcel of property which is designed or used for manufacturing, warehousing, or assembling components.

Law enforcement officer means any officer of the Santa Rosa County Sheriff's Department.

Multi-family Dwelling Unit shall mean a building or a portion of a building, regardless of ownership, containing more than one Dwelling Unit designed for occupancy by a single family, which units are not customarily offered for rent for one day, including but not limited to, townhouses and apartments.

Noise means sound that is excessive and disturbing to a reasonable person of ordinary sensibilities, as measured from the Real Property Line of the Source Property.

Non-industrial, non-Residential property means any property other than Residential property or Industrial Property and includes but is not limited to commercial property.

Officer shall mean a Law Enforcement Officer or a County Code Enforcement Officer.

Person means any individual, association, partnership, corporation, or other legal entity.

Real property line means the imaginary line including its vertical extension that separates one parcel of real property from another. For purposes of measuring Noise generated from state sovereign submerged lands, the Real Property Line shall be deemed the erosion control line (if one has been established) or alternatively the mean high water line. For purposes of this article, the location of the Real Property Line may be based on the best estimate of a Law Enforcement Officer seeking to measure Noise in accordance with the provisions of this article. A failure by a Law Enforcement Officer to exactly identify the Real Property Line between two parcels of real property shall not serve to invalidate any action of the officer or Santa Rosa County with respect to this article.

Receiving Property means a parcel of property affected by Noise which is located adjacent to a Source Property.

Residential means multi-family Dwelling Units, Single Family Houses, and other properties used for the purpose of providing living quarters for one or more natural persons.

Single family house means a Dwelling Unit on an individual lot, tract, or other parcel of land containing a single Dwelling Unit designed for occupancy by a single family.

Sound meter means an instrument used for the measurement of Noise levels in a specific manner and which complies with standards established by the American National Standards Institute specifications for sound level meters.

Source property means that property on which Noise is generated.

Sec. 14-169. – Legislative Findings. The Board of County Commissioners of Santa Rosa County hereby makes the following legislative findings:

(a) The Board has the home rule authority pursuant to Article VIII, Section (1)(g), Florida Constitution and Section 125.01, Florida Statutes, to enact County ordinances not inconsistent with general law.

(b) Unreasonable and excessive sound, or Noise, has serious detrimental effects on the public health, welfare, and safety of the citizens of Santa Rosa County. Due to these detrimental effects, the Board finds it is necessary to regulate unreasonable and excessive sound occurring within the County.

(c) Unreasonable and excessive sound negatively and severely impacts the ability of persons within the County to peaceably enjoy both public and private property and a reduction of the volume levels of such sound serves a significant governmental interest.

(d) It is the intent of the Board to prohibit excessive and unreasonable sound that may jeopardize the citizens of the County or degrade their quality of life.

(e) The provisions of the article are unrelated to the content of the Noise being produced and they provide ample alternative channels for producing sound within the County, even if such sound is only allowed at certain times, below specified volume levels, and in certain locations.

(f) The regulations provided herein are narrowly tailored to serve the significant governmental interest in ensuring that all persons are able to peacefully enjoy their property and

in ensuring that the health interests of all persons in the County are protected from the effects of excessive and disturbing sounds.

(g) This article should be liberally construed to effectuate the purposes described in this section.

Sec. 14-170. – Applicability. This article applies to the control of all Noise produced within the unincorporated area of Santa Rosa County, Florida.

Sec. 14-171. – Prohibition on Excessive Noise.

(a) No person may cause, allow, or permit the production of any Noise on any Source Property that exceeds the Noise level limits on an adjacent Receiving Property set forth in the table provided in this subsection during the ascribed times of day. Noise that exceeds these limits shall be considered to be unreasonable and excessive.

Type of Receiving Property	7:00 a.m. to 9:00 p.m.	9:01 p.m. to 6:59 a.m.
Residential Property	70 dB(A)	60 dB(A)
Non-Industrial, Non-Residential Property	80 dB(A)	75 dB(A)
Industrial Property	85 dB(A)	80 dB(A)

(b) Noise measurement.

(1) Noise shall be measured on the A-weighted scale with a Sound Meter satisfying at least the applicable requirement for Type 2 Sound Meters as defined by the American National Standards Institute. Prior to measurement, the Sound Meter shall be verified and calibrated according to the manufacturer's specifications.

(2) Noise measurements shall be made at least four feet above the ground and at a point at least ten feet away from any walls, barriers, or other obstructions. In the event the Source Property is a Residential Property containing Multi-Family Dwelling Units, Noise levels should be measured within a Multi-Family Dwelling Unit adjacent to the Dwelling Unit from which the Noise is generated at a point in the center of the room most affected by the Noise that is at least three feet from any wall, ceiling, or partition. For all other types of Receiving Properties, Noise levels should be measured no closer than the Real Property Line of the Source Property. In the alternative, if the Officer determines it is necessary, Noise levels may be measured from a public street or other public right-of-way.

(3) Sound meters shall be maintained in good working order and properly calibrated. The microphone of the Sound Meter shall be positioned so as not to create any unnatural enhancement or diminution of the Noise being measured, and a windscreen shall be used at all times.

(4) Noise shall be measured utilizing a measurement period of at least five minutes and shall be deemed to be in violation of this article if it exceeds the Decibel levels provided in paragraph (a) of this section for more than 20 percent of such measurement period.

(5) The Officer measuring Noise pursuant to this article shall document all Noise measurement results, which documentation shall include the following information:

a. The Sound Meter used, including name, make, type, and serial number;

b. The date of the last laboratory calibration;

c. Verification that the Sound Meter was properly calibrated at the time of the measurement;

d. The location of the measuring area including the approximate distance from the source of the Noise;

e. A description of the measuring area;

f. The time and date the Noise measurement was taken;

g. The name of any observers; and

h. The general weather conditions.

(c) Specific prohibitions.

(1) No person shall use power tools and landscaping and yard maintenance equipment at Noise levels in excess of Decibel limits established in paragraph (a) of this section on or within 250 feet of a Residential property between the hours of 9:01 p.m. and 5:59 a.m. At all other times, such tools and equipment may be used on such property notwithstanding the Noise levels established in paragraph (a) of this section.

(2) No person shall conduct Construction activity at Noise levels in excess of the Decibel limits established in paragraph (a) of this section between the hours of 9:01 p.m. and 5:59 a.m. At all other times, such Construction activity may be conducted notwithstanding the Noise levels established in paragraph (a) of this section.

(3) An exterior burglar alarm of a building or a motor vehicle alarm in excess of the Decibel limits established in paragraph (a) of this section must be operated such that upon activation it terminates within five minutes for continuous Noise or within 15 minutes for non-continuous Noise.

(4) No person shall operate a motor vehicle on private property at Noise levels in excess of 86 dB(A) on any Receiving Property nor shall such Noise continue for more than five (5) minutes at any one time.

Sec. 14-172. - Exemptions. The following types of Noise are exempt from the application of this article, notwithstanding the Decibel level or time during which it is produced:

(a) All Noises generated by public service vehicles or activities, including, but not limited to: solid waste collection activities; utility installation, repair or maintenance; and road and bridge Construction, maintenance, or repairs. This exemption shall apply to all vehicles owned by or activities conducted by a governmental entity, as well as to those vehicles or activities owned or conducted by a private entity on behalf of a governmental entity, and to private utilities or haulers.

(b) Noise resulting from Emergency Work which is necessary to prevent imminent injury to persons or significant damage to property.

(c) Non-amplified crowd Noises resulting from activities such as parades or other community events.

(d) Noise generated pursuant to a valid county special events permit or other county authorization that specifically authorizes the generation of sound in excess of the limits described herein on Source Property.

(e) Noise generated from any law enforcement or public safety vehicles equipped with any communication device necessary in the performance of law enforcement or public safety duties or procedures, including but not limited to Emergency Signal Devices.

(f) Noise generated by a horn or other warning device required or permitted by Section 316.271, Florida Statutes. These devices must comply with rules promulgated by the Florida Department of Highway Safety and Motor Vehicles.

(g) Noise generated by a bona fide "farm operation" regulated through implemented best management practices or interim measures developed by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or water management districts, and adopted under Chapter 120, Florida Statutes, as part of a statewide or regional program, pursuant to Section 823.14, Florida Statutes.

(h) Noise generated by aircraft or airport activity conducted in accordance with federal laws and regulations.

(i) Noise generated by motor vehicles operating on a public right-of-way subject to Section 316.293, Florida Statutes.

(j) Noise generated within the Galt City Industrial Zone, as more particularly described in Exhibit "A," attached hereto.

(k) Noise generated by a backup emergency power generator during a power outage or declared local state of emergency.

(l) In accordance with the provisions of Section 790.33, Florida Statutes, this article does not regulate or apply to firearms.

(m) Noise generated by a pool pump or dewatering pump that is in good working order.

Sec. 14-173. – Enforcement.

(a) All Officers are authorized to enforce this article.

(b) When enforcing this article, all Officers shall adhere to the following procedures:

(1) The Officer shall investigate and determine if any Noise is in violation of the Noise level limits contained in section 14-171.

(2) Measurement techniques shall be done in accordance with section 14-171.

(3) If a Noise level is found to be in violation of this article, the Officer shall give warning to the person responsible for the Noise. The warning shall advise the person of the violation and of the possible penalty if the person fails to eliminate the Noise so that it is within permitted limits.

(4) The person receiving the warning shall have a reasonable time to comply with the warning. Absent special circumstances, reasonable time is ten minutes.

(5) For the purposes of this article, it is sufficient warning if the person responsible for such Noise has been warned of, or cited for, a violation of this article within the previous 60 days.

(6) If the Noise is not eliminated or is not reduced to allowable limits within a reasonable time after the warning, or if the Noise reoccurs after warning and abatement,

the person so warned and not complying shall be cited for a violation of this article as set forth in section 14-174.

Sec. 14-174. – Enforcement Procedures.

(a) The enforcement of this article shall be in accordance with Article IX, Chapter 2 of the Code, except any Officer is hereby authorized to initiate enforcement procedures under this Article when, based upon personal investigation, the Officer has reasonable cause to believe that the person has committed a violation of this article.

(b) Each calendar day that a Noise violation persists shall constitute a separate offense.

(c) In the event of conflict between the provisions of this Article and Article IX, Chapter 2 of the Code, the provisions of this article shall prevail.

Sec. 14-175. – Penalty Schedule.

(a) Penalties for violations shall be as set forth in the following schedule:

Section	Description	Penalty
14-171(a)	Noise level limits	$100.00
14-171(c)	Specific prohibitions	$150.00

(b) A second violation of the same offense shall result in a penalty equal to double the amount shown on the penalty schedule. A third and subsequent violation of the same offense shall result in a penalty of three times the amount shown on the penalty schedule or by imprisonment of not more than 60 days or by both.

(c) The appeal procedures in Division 2, Article IX, Chapter 2 of the Code shall apply to violations of this article.

(d) In addition to or instead of the penalties provided herein, the County may institute any appropriate action or proceeding including a suit of injunctive relief to prevent or abate violations of this article.

SECTION 4. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Santa Rosa County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 5. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 6. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days of its enactment and shall become effective upon filing with the Department of State.

PASSED AND DULY ENACTED by the Board of County Commissioners of Santa Rosa County, Florida in regular session, this 22nd day of June, 2021.

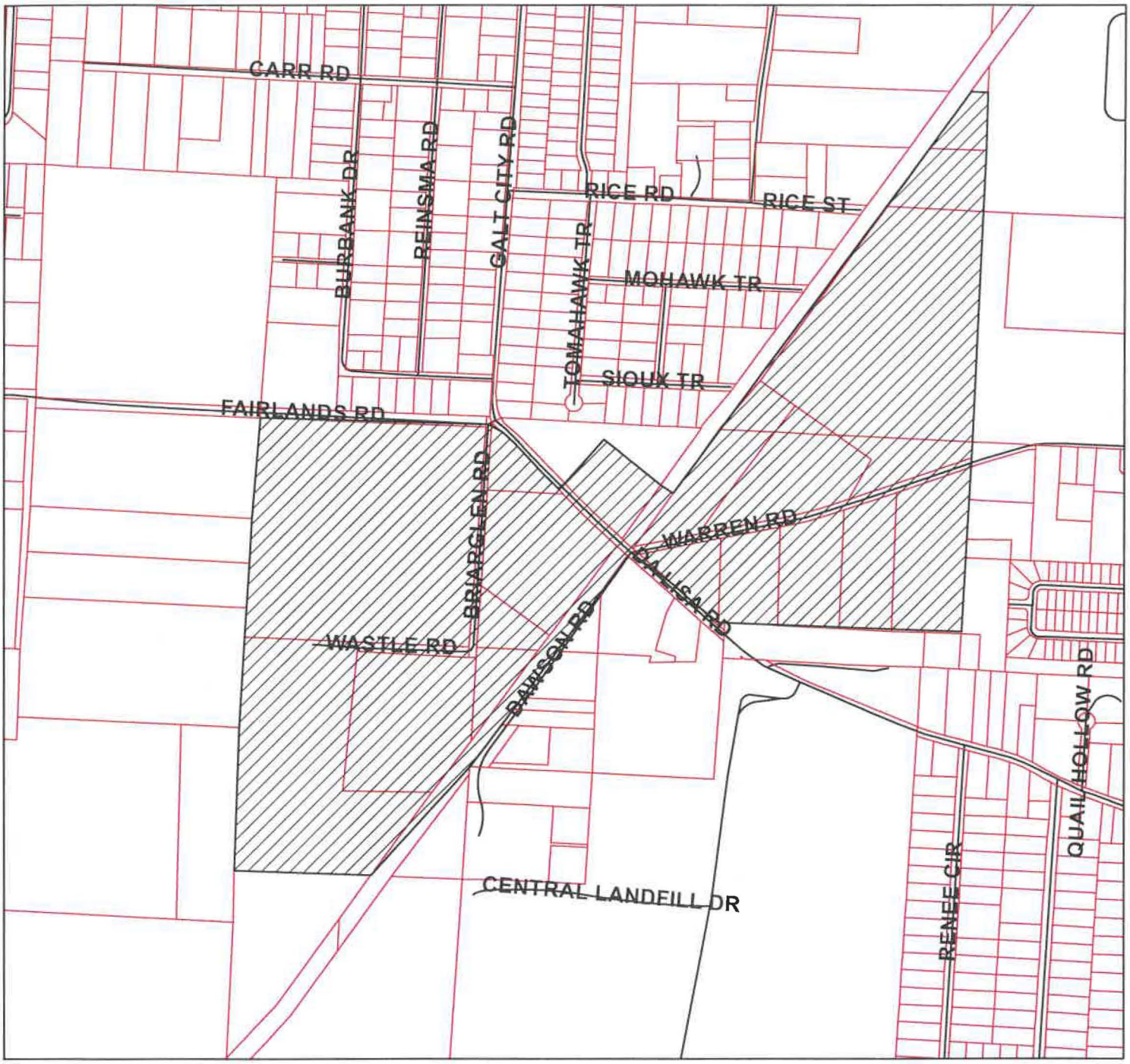
SANTA ROSA COUNTY
BOARD OF COUNTY COMMISSIONERS

Robert A. "Bob" Cole, Vice-Chairman

ATTEST:

Clerk of Court

Galt City Industrial Zone



Legend

- Galt City Industrial Zone
- Parcel Lines
- Streets

EXHIBIT

A A

N
W E
S

0 400 800 1,600 2,400 3,200
Feet

SANTA ROSA COUNTY FLORIDA
IN GOD WE TRUST