

ORDINANCE NO. 2022 ____

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, RELATING TO NOISE, VIBRATION AND AIR POLLUTION; AMENDING CHAPTER 21, ARTICLE I, SECTION 21-11 ENTITLED "DEFINITIONS"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-20 ENTITLED "PROHIBITION"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-23 ENTITLED "NOISE SENSITIVE ZONES"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-25 ENTITLED "MEASUREMENT OF SOUND"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-26 ENTITLED "SPECIFIC NOISE PROHIBITIONS"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-32 ENTITLED "ENFORCEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners ("Board") is the legislative and governing body of Citrus County, Florida, a political subdivision of the State of Florida, authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes;

WHEREAS, from time to time, parts of the Code of Ordinances must be revised, repealed, adopted and or amended.

NOW THEREFORE, BE IT ORDAINED by the Citrus County Board of County Commissioners:

Section I. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated by reference.

Section 2. Amending of Chapter 21, Article I, Section 21-11 Entitled "Definitions". Chapter 21, Article I, Section 21-11, Citrus County Code of Ordinances, entitled "Definitions" is hereby amended as follows:

Noise sensitive zone shall mean a quiet zone where serenity and quiet are of extraordinary significance and which is demarcated by conspicuous signage identifying it as a noise-sensitive or quiet zone. Noise sensitive zones may include hospitals, nursing homes, schools, courts, public libraries, houses of worship, protected areas and other areas defined as such pursuant to resolution adopted by the board of county commissioners or other governmental agency.

Plainly audible shall mean clearly or understandably loud enough to be heard through perception of the human ear using normal hearing faculties at a distance of twenty five (25) feet or more from the source.

Section 3. Amending of Chapter 21, Article II, Section 21-20 Entitled "Prohibition". Chapter 21, Article II, Section 21-20, Citrus County Code of Ordinances, entitled "Prohibition" is hereby amended as follows:

Sec. 21-20. Prohibition.

It shall be a violation of this article for any person to make, cause, or allow the making of any noise or sound within the unincorporated area of Citrus County that exceeds the noise limits as set forth in this article.

Section 4. Amending of Chapter 21, Article II, Section 21-23 Entitled “Noise Sensitive Zones”. Chapter 21, Article II, Section 21-23, Citrus County Code of Ordinances, entitled “Noise Sensitive Zones” is hereby amended as follows:

Sec. 21-23. Noise sensitive zones.

It shall be a violation of this article to create, maintain or cause to be maintained any sound within or adjacent to any noise sensitive zone so as to exceed 55 dB(A) at any time when measured at a distance of at least 25 feet from the sound source, or that is plainly audible as defined herein, provided that conspicuous signs are displayed indicating the presence of the zone to read "Quiet Zone." Noise sensitive zones may be created by resolution of the board of county commissioners or other governmental entity.

Section 5. Amending Chapter 21, Article II, Section 21-25 Entitled “Measurement of Sound”. Chapter 21, Article II, Section 21-25, Citrus County Code of Ordinances, entitled “Measurement of Sound” is hereby amended by adding the following:

Sec. 21-25. Measurement of sound.

(g) In determining whether a sound is plainly audible, an Enforcement agent is entitled to measure the sound according to the following standards:

(1) The primary means of detection shall be by means of the Enforcement agent's ordinary auditory senses, so long as the Agent's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid.

(2) The Enforcement Agent must have a direct line of sight and hearing to the source of the sound so that the Agent can readily identify the offending source and the distance involved.

(3) The Enforcement Agent need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

Section 6. Amending Chapter 21, Article II, Section 21-26 Entitled “Specific Noise Prohibitions”. Chapter 21, Article II, Section 21-26(2), Citrus County Code of Ordinances, entitled “Specific Noise Prohibitions” is hereby amended as follows:

Sec. 21-26. Specific noise prohibitions.

(2) *Radios, televisions, electronic audio equipment, musical instruments, and similar devices not within or upon motor vehicles.*

a. The use, operation or playing of any radio, television, phonograph, stereo set, tape player, sound amplifier, musical instrument or similar device which produces or reproduces sound which exceeds the permitted levels as prescribed in Table 1 or which is plainly audible.

b. The operation or playing of any radio, musical instrument, or similar device which produces sound on the public right-of-way which exceeds the permitted levels as prescribed in Table 1 or which is plainly audible.

Section 7. Amending Chapter 21, Article II, Section 21-32 Entitled "Enforcement". Chapter 21, Article II, Section 21-32, Citrus County Code of Ordinances, entitled "Enforcement" is hereby amended by replacing with the following:

Sec. 21-32. Enforcement.

- (a) The primary responsibility for enforcement of this article shall be by the Citrus County Code Compliance Division. The Citrus County Sheriff's Office may also enforce the provisions of this article
- (b) For the purpose of determining and classifying any noise as one which is declared unlawful and prohibited by this article, the enforcement agent shall apply the measurement techniques provided in section 21-25 to determine if the standards have been violated.
- (c) The following procedures shall be followed by the enforcement agent when enforcing this article:
 - (1) The appropriate county enforcement agent shall investigate and determine if any noise violation exists.
 - (2) Measurement techniques, when required, shall be done in accordance with section 21-25.
 - (3) If a noise level is found to be in violation of this article, the appropriate enforcement agent shall give warning to the person responsible for the sound. The warning shall advise the person of the violation and of the possible penalty if the person fails to eliminate the sound or reduce the sound so that it is within permitted limits or is not plainly audible.
 - (4) The person receiving the warning shall have a reasonable time to comply with the warning. Absent special circumstances, a reasonable time is 15 minutes.
 - (5) For the purposes of this article, it is sufficient warning for all prohibited sounds if the person responsible for such sound has been warned of, or cited for, one or more offending sounds of the same type within the previous 60 days, or in the case of a business, in the time period since ownership of the business changed, whichever is less.
 - (6) If the sound is not eliminated or is not reduced to allowable limits within a reasonable time after the warning, or if the noise or sound reoccurs after warning and abatement, the person o warned and not complying shall be cited for a violation of this article as set forth in section 21-33.

Section 8. Severability. If any section, subsection, sentence, clause, or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 9. Modification. The provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

Section 10. Scrivener's Errors. Typographical errors which do not affect the intent of this Ordinance may be authorized by the County without need of a public hearing by filing a corrected or re-codified copy of the same with the Clerk.

127 **Section 11. Codification.** The publisher of the County's Code of Ordinances, the Municipal
128 Code Corporation, is directed to incorporate this article into the Code of Ordinances where
129 indicated.

130 **Section 12. Effective Date.** This Ordinance shall take effect as provided by law.

131 **PASSED AND DULY ADOPTED**, in open session, with a quorum present and voting, this
132 ____ day of _____, 2022.

133
134 BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

135 ATTEST:

136 _____
137 ANGELA VICK, Clerk

RONALD E. KITCHEN, JR., Chairman

138 APPROVED AS TO FORM FOR THE
139 RELIANCE OF CITRUS COUNTY ONLY:

140 _____
141 DENISE A. DYMOND LYN
142 County Attorney