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**ORDINANCE NO. 14-2019**

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA PROVIDING FOR A TITLE FOR THE ORDINANCE; PROVIDING FOR SCOPE, PURPOSE, DEFINITIONS, AND GENERAL LIMITATIONS ON NOISE; PROVIDING FOR SPECIFIC NOISE PROHIBITIONS, SOUND CONTROL STANDARDS AND EXEMPTIONS; PROVIDING FOR WAIVERS AND PERMITS; PROVIDING FOR MEASUREMENT TECHNIQUES; PROVIDING FOR ENFORCEMENT AND PENALTIES AND OTHER REMEDIES; PROVIDING FOR NO LIABILITY FOR REASONABLE, GOOD FAITH TRESPASS BY ENFORCEMENT OFFICER; PROVIDING FOR ADMINISTRATION, PROVIDING FOR AMENDMENT OF SECTIONS 42-24 AND 14-3 OF THE CITY CODE; PROVIDING FOR SCRIVENER'S ERROR, LIBERAL CONSTRUCTION, CODIFICATION, REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

CITY OF AVON PARK - ADMIN  
110 E MAIN ST  
AVON PARK FL 33825



BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA AS FOLLOWS:

Section 1 - Short title; Intent.

(1) This Ordinance shall be known and may be cited as the "City of Avon Park Noise Control Ordinance."

(2) This ordinance is intended to provide procedures and a comprehensive program for enforcement of nuisance levels of sound that adversely affect the health, safety and welfare of citizens of the City, as well as the reasonable use and enjoyment of property by owners and occupants, while also observing and maintaining the First Amendment rights of those who may be creating noise as a matter of such rights. It is the intent herein to adopt a noise regulation program substantially similar to the Highlands County noise code in order to provide consistency in enforcement between the city limits and enforcement in the county's jurisdiction.

Section 2. - Scope.

This ordinance shall be in effect in the incorporated areas of the City of Avon Park, Florida.

Section 3. - Purpose.

It is the purpose and intent of this Ordinance to prevent, prohibit and provide for the abatement of excessive and unnecessary noise which degrades the quality of life, disturbs the public peace, and jeopardizes the health, safety and welfare of the citizens of City of Avon Park. It is further the intent of this Ordinance to recognize that factors such as the time of day, location (e.g., proximity to residences), and necessity of sounds incidental to allowed uses and activities must be considered in balancing the protection of public peace with individual freedoms and private property rights.

Section 4. - Definitions.

For the purpose of this Ordinance, 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 employed or contracted by the City of Avon Park, the Highlands County Sheriff's Office, Code Enforcement Officers and Animal Control Officers employed or contracted by the City of Avon Park.

*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 Ordinance 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 City of Avon Park which can broadly be divided into four distinct uses being residential, commercial or business, industrial or manufacturing, and agricultural.

#### Section 5. - Noise restriction in general.

It shall be a violation of this section for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unreasonable noise which disturbs the peace, quiet or enjoyment of any neighborhood or residence or which would cause discomfort or annoyance to any reasonable person of normal sensitivities. Moreover, it shall be a violation of this section for any person to engage in any use or activity that creates any noise prohibited by the specific provisions of this Ordinance. The following standards may be considered in determining whether a violation of this section exists:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Time of day of the noise.
- (4) Time duration of the noise.
- (5) Whether the nature of the noise is usual or unusual.
- (6) The volume and intensity of the background noise, if any.
- (7) The proximity of the noise to residential areas.
- (8) The nature and zoning of the area from which the noise emanates.
- (9) The nature and zoning of the receiving land.

#### Section 6. - Specific noise prohibitions.

Unless the noise is exempt from the standards and restrictions of this Ordinance by reason of the provisions of section 8 of this Ordinance, the following standards and restrictions shall apply to uses and activities in the City of Avon Park, Florida.

- (1) *Radios, television sets, musical instruments, and similar devices.* It shall be a violation of this section to use, operate, or permit to be played, used, or operated any radio receiving set, musical instrument, phonograph, television set, stereo set, cassette player, compact disc player, sound amplifier or other machine or device for the production or reproduction of sound in a manner which creates a noise disturbance which is plainly audible across a real property line of any residential zoning district or residential area between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next day.

It shall be a violation of this section to use, operate, or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, television set, stereo set, cassette player, compact disc player, sound amplifier or other machine or device for the production or reproduction of sound which is associated with a motor vehicle or vessel in a manner which creates a noise disturbance which is plainly audible 100 feet or more from such device when operated on a waterway, public right-of-way or public property.

- (2) *Construction equipment.* It shall be a violation of this section to operate any equipment used in construction activity, building, excavation, grading, pile driving, pneumatic hammering, demolition, dredging, building alteration or repair work in a manner which is plainly audible across a real property line of any residential zoning district or residential area between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next day, except for emergency work.
- (3) *Engine mufflers.* It shall be a violation of this section to operate any internal combustion engine, including such an engine associated with a motor boat or motor vehicle, without a muffler or other device, at least as effective as the manufacturer's original equipment, which will effectively prevent loud or explosive noises.
- (4) *Animals.*
  - a. It shall be a violation of this section for the owner or custodian of any animal, other than a farm animal on real property zoned for agricultural use, to allow that animal to frequently or continuously howl, bark, meow, squawk or make other sounds indigenous to such animal which creates a noise disturbance which is plainly audible across a residential or commercial real property line unless that animal is giving a sound of danger warning under circumstances reasonably requiring the need for a warning.
  - b. It shall be a violation of this section for the owner or custodian of any dog to allow that dog to bark, bay, cry, howl or make any other similar noise continuously for a period of five minutes or bark intermittently for fifteen minutes or more to the disturbance of any person at any time, day or night, regardless of whether the dog is physically situated in or upon private property unless that dog is giving a sound of danger warning under circumstances reasonably requiring the need for a warning.
  - c. For purposes of this subsection, animals include all birds and mammals other than human beings.
- (5) *Vehicle, vessel, and motor repair in or abutting residential areas.* It shall be a violation of this section to repair, rebuild or test any motor vehicle, vessel or motor between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next day on property within or abutting any residential zoning district or residential area in such a manner as to cause a noise disturbance which is plainly audible across a real property line of any residential zoning district or residential area.
- (6) *Activities in the vicinity of schools, courts, churches, and hospitals.* It shall be a violation of this section to create any noise on any street adjacent to any school, court, church or hospital which unreasonably interferes with the workings of such institution or which unduly disturbs or annoys patients in a hospital.
- (7) *Loading or unloading of vehicles, opening bales, and boxes.* It shall be a violation of this section to make, create or maintain a noise disturbance in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers between 9:00 p.m. of one day and 6:00 a.m. of the next day which is plainly audible across a real property line of any residential zoning district or residential area.
- (8) *Shouting or crying out.* It shall be a violation of this section for anyone to shout or cry out along or on a roadway to the disturbance of the peace or quiet of residents in a residential neighborhood or which is plainly audible across a real property line of any residential zoning district or residential area.
- (9) *Drums, cymbals, and loudspeakers.* It shall be a violation of this section to create, make or maintain any noise by the use of any drum, cymbals, loudspeaker or other similar instruments for the purpose of attracting attention to any stationary place of business, stationary sale or display of merchandise, or stationary performance or show. For purposes of this subsection, a mobile sound source is stationary if it remains at the same location for more than 15 minutes.
- (10) *Bells or sirens on vehicles.* It shall be a violation of this section for any person to use in conjunction with any unauthorized vehicle any bell or siren similar to that used on ambulances or vehicles of the sheriff, fire departments, and other public safety agencies.
- (11) *Skateboard ramps.* It shall be a violation of this section to use any skateboard ramp or similar device between 9:00 p.m. of one day and 6:00 a.m. of the next day in a residential zoning district or residential area in a manner which results in a noise disturbance that is plainly audible across a real property line of any residential zoning district or residential area.

- (12) *Air-blow cleaners.* It shall be a violation of this section for any person to operate any air-blow cleaning equipment or similar device for the cleaning of parking lots, walkways, driveway or similar areas between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next day that would result in a noise disturbance that is plainly audible across a real property line of any residential zoning district or residential area.
- (13) *Fixed mechanical equipment.* It shall be a violation of this section to use or operate any noise-creating air conditioner, compressor unit, power fan or blower, fixed electric motor or engine which causes a noise disturbance, unless that noise is muffled and deadened by adequate noise suppression and muffling devices to eliminate the noise disturbance across a real property line of any residential zoning district or residential area.
- (14) *Portable mechanical equipment.* It shall be a violation of this section to use or operate any power tools or portable mechanical equipment, including a power saw, sander, drill, grinder, lawn or garden tool, or similar device, when used outdoors in residential areas between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next day so as to cause a noise disturbance that is plainly audible across a real property line of any residential zoning district or residential area.
- (15) *Places of public entertainment.* It shall be a violation of this section for any public entertainment establishment or person associated with or working for a public entertainment establishment to operate, play or permit the operation or playing of any radio receiving set, musical instrument, phonograph, television set, stereo set, cassette player, compact disc player, sound amplifier or other machine or device for the production or reproduction of a sound between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next day in such a manner as to create a noise disturbance that is plainly audible across a real property line of any residential zoning district or residential area.
- (16) *Landscape maintenance.* It shall be a violation of this section for any person to conduct landscape maintenance activities in such a manner as to create a noise disturbance that is plainly audible across a real property line of any residential zoning district or residential area between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next day.

Section 7. - Sound control standards.

- (a) *Sound levels prima facie but not exclusive.* The occurrence of the condition, acts or omissions described in the following subsections shall constitute a violation of this Ordinance. The requirements of each of those subsections stand alone. Violations of the sound limits prescribed by this section shall constitute prima facie evidence of a violation of this Ordinance. However, sound level measurements are not necessary for enforcement of this Ordinance. Neither the sound level measurements made pursuant to this section nor any other sound measurement is necessary to prove a violation of this Ordinance.
- (b) *Maximum sound level generated across real property lines.* The sound from any activity or from any permissible use of property within the applicable zoning district classifications of City of Avon Park or from the use of any vessel or other watercraft on the waters of City of Avon Park shall be deemed excessive, unnecessary, offensive or unusually loud if the total sound level due to both ambient sound and the alleged source of the excessive, unnecessary, offensive or unusually loud sound exceeds the sound levels prescribed in Table I of this section as measured in decibels on the A-Scale from the receiving property.

TABLE I. APPLICABLE SOUND LIMITS  
Sound level in Decibels A-Scale (DBA)

Zoning District	Day 6:00 a.m.—9:00 p.m.	Night 9:00 p.m.—6:00 a.m.
Agricultural	65	60
Residential	65	60

Commercial or Business	75	75
Industrial or Manufacturing	75	75

(c) *Interior sound within multifamily dwelling units.* Notwithstanding any other provisions of this Ordinance, it shall be a violation of this section for any person to create, maintain or cause to be maintained any sound for any period of time within the interior of any multifamily dwelling unit which causes the sound level in any other dwelling unit to exceed the limits prescribed in Table II of this section.

TABLE II: APPLICABLE SOUND LIMITS FOR MULTIFAMILY DWELLING UNITS  
Sound level in Decibels A-Scale (DBA)

	Day 6:00 a.m.—9:00 p.m.	Night 9:00 p.m.—6:00 a.m.
Multifamily Dwelling Units	55	45

(d) *Vessels and watercraft.* In accordance with F.S. §§ 327.65 and 327.60(1), no person shall operate or give permission for the operation of any vessel on the waters of City of Avon Park, in such a manner as to exceed a maximum sound level of 90 dbA at a distance of 50 feet from the vessel.

Section 8. - Exceptions.

The following uses and activities shall be exempt from noise and sound level regulations prescribed in this Ordinance.

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or the performance of emergency work. This exception shall not apply to fixed building or vehicular burglar alarms when sounded for a period in excess of 15 minutes.
- (2) Usual noises of construction and operation of construction equipment between the hours of 6:00 a.m. and 9:00 p.m.
- (3) Noises coming from normal operations of railroads.
- (4) Noises coming from normal operations of aircraft.
- (5) Noises coming from normal use of agricultural equipment.
- (6) Nonamplified crowd noise from activities such as those planned by student, governmental or community groups, or racing/sporting events.
- (7) Noises from motor vehicles engaged in a professional or amateur sanctioned, competitive sports event including practice and time trials.
- (8) Noises incident to mosquito control, weed control, and other governmental activities.
- (9) Noises from activities having a waiver or permit issued pursuant to section 9 of this Ordinance.
- (10) Noises from work in a public right-of-way authorized by the city public works or state department of transportation.

Section 9. - Waivers and permits.

- (a) *Waiver.* Applications for a waiver for relief from the maximum allowable sound level limits designated in this Ordinance shall be made in writing. Such applications along with a fee established by resolution of the city council shall be made to the city manager or the city manager's duly authorized representative. Any waiver granted by the city manager or the city manager's duly authorized representative hereunder must be in writing and shall contain all conditions upon which the waiver shall be effective. The city manager or the city manager's duly authorized representative may grant the requested waiver under the following conditions:
- (1) The city manager or the city manager's duly authorized representative may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to, the use of mufflers, screens or other sound attenuating devices.
  - (2) Waivers from maximum allowable sound level limits may only be granted for noises created by operations which were in existence on the effective date of this Ordinance.
  - (3) Waivers may be issued for no longer than 365 days, renewable by further application to the city manager or the city manager's duly authorized representative.
- (b) *Permits.* Any person desiring relief from the provisions of this Ordinance not provided for by waiver shall apply for a permit to cause or create noise which would otherwise be in violation of this Ordinance. Such applications, with the fee established by resolution of the city council, shall be made in writing to the city manager or the city manager's duly authorized representative at least 21 days prior to the date for which the relief is requested. The city manager or the city manager's duly authorized representative may grant a permit under the following conditions:
- (1) Additional time is necessary for the applicant to alter or modify the activity or noise source in order to comply with this Ordinance; and
  - (2) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this Ordinance; and
  - (3) No reasonable alternative is available to the applicant.
- Applicants for permits issued pursuant to this section shall comply with all reasonable conditions and requirements deemed necessary by the city manager or the city manager's duly authorized representative including effective date, time of activity, location and equipment limitations, and sound attenuation devices. No permit shall be issued for a period in excess of 15 consecutive days. Any permit granted may be renewed upon application to the city manager or the city manager's duly authorized representative by showing that the reasons for which the permit was granted still exist. No permit granted pursuant to this section shall be renewed more than once.
- (c) *Appeals.* Any person aggrieved by the action taken by the city manager or the city manager's duly authorized representative to approve or deny an application for a waiver or a permit may appeal that decision by filing a written notice of appeal in the office of the city manager within 30 days after the date of the approval or denial of the waiver or permit, and the appeal shall be heard by the city council within 30 days of the notice of appeal. The city council shall hold a quasi-judicial hearing in accordance with Florida law. An aggrieved party may appeal a final order of the city council to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order within 30 days after that final order is filed in the office of the city manager, but not thereafter. That appeal shall not be a hearing de novo but shall be limited to appellate review of the record of the hearing conducted by the hearing officer.

Section 10. - Measurement techniques.

- (a) For purposes of section 7 of this Ordinance, the measurement of sound shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI), S1.4 American National Standard Specifications for sound level meters. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any sound measurement, both before and after the measurement is taken. Measurements shall be taken so as to provide a proper

representation of the sound source. The microphone, during measurement, shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. No individual other than the operator shall be within ten feet of the sound level meter during the sample. A windscreen for the microphone shall be used at all times.

- (b) The sound level meter shall be of at least type 2 ANSI requirements. The sound level meter shall utilize the A-weighted network when measurements are taken. The microphone shall be oriented in accordance with the instrument manufacturer's instructions.
- (c) For outside sound, the measurement shall be made on a receiving property, which, if known, shall be the property of the complainant, rather than the property on which the sound source is located. Outside sound 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. Sound measurements inside multifamily dwelling units shall be made at least three feet from any wall, ceiling or partition.
- (d) All sound measurements provided for in this Ordinance shall be made by code enforcement officers who are qualified to operate the apparatus used to make the measurements as provided for in this Ordinance.
- (e) The code enforcement officer conducting the sound measurements shall document all sound measurement results in a written record. That record shall include the following:
  - (1) Instrument used, name, make, type serial and model number;
  - (2) Date of last laboratory calibration;
  - (3) On site calibration before and after reading;
  - (4) Name and location of measuring area;
  - (5) Detailed sketch of measuring area;
  - (6) Time and date of measuring;
  - (7) Weather conditions; and
  - (8) Names of observers.

#### Section 11. - Enforcement and penalties.

- (a) *Responsibility for enforcement.* City of Avon Park Code Enforcement Officers shall have the primary responsibility for the enforcement of this Ordinance. The City of Avon Park Police Department and the Highlands County Sheriff's Office shall also be responsible for enforcement of this Ordinance. Enforcement officers shall have the powers and authority to enforce this Ordinance as set forth in Articles III or VI of chapter 2 of the City of Avon Park Code, and/or any alternative code enforcement allowed by law, including without limitation enforcement under section 1-8 of the City Code.
- (b) *Enforcement procedures under Chapter 2, Article III of Code.* A violation of this Ordinance may be enforced as provided in Article III as provide under F.S. chapter 162.
- (c) *Enforcement procedures under Chapter 2, Article VI of Code.* A violation of section 5, section 6, or section 7 of this Ordinance may be enforced as provided in Article IV. Each violation of section 5, section 6, and section 7 of this Ordinance shall be a separate civil infraction. Each day the violation continues shall be considered a separate violation and civil infraction. For the purpose of determining if a violation of one of the standards prescribed in section 7 of this Ordinance has occurred, the responding code enforcement officer shall apply the measurement techniques set forth in section 10 of this Ordinance. However, a violation of this Ordinance may occur without taking measurements if the violation is one listed in section 6 of this Ordinance.
- (d) The following procedures shall be followed by the code enforcement officer when enforcing this Ordinance:
  - (1) The code enforcement officer shall investigate and determine if any noise is in violation of the specific noise prohibitions provided in section 6 of this Ordinance or any sound level is in excess of the sound control standards prescribed in section 7 of this Ordinance.

- (2) Sound measurements, when required, shall be made by the code enforcement officer in accordance with the measurement techniques prescribed in section 10 of this Ordinance.
  - (3) When, based upon personal investigation, the code enforcement officer has reasonable cause to believe that a person has committed a civil infraction in violation of this Ordinance, the enforcement officer is authorized to issue notices of violation, citations, and notices to appear, as deemed appropriate. Arrests and notices to appear shall only be made or issued by police officers.
- (c) *Penalties.* Whoever violates any of the provisions of section 5, section 6, or section 7 of this Ordinance shall be guilty of a civil infraction punishable as a class II violation as provided in Article VI of chapter 2 of the City of Avon Park Code.

Section 12. - Other remedies.

Any substantially affected person may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this Ordinance. The city may enforce this ordinance in any alternative manner allowed by law, including without limitation, suing in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this Ordinance.

Section 13. - No liability for reasonable, good faith trespass by enforcement officer.

The sheriff, any code enforcement officer, and the city shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in the discharge of duties under this Ordinance.

Section 14. - Administration.

The city council may adopt such resolutions as are necessary to effectively administer this Ordinance.

Section 15. -- Amendment of existing City Code Section 42-24.

*Section 42-24 of the Code of Ordinances is hereby amended as follows:*

Sec. 42-24. - Prohibited conditions and conduct.

The existence of any of the following specific conditions or conduct is hereby declared to constitute a nuisance as that term is used in the article:

(1) A condition or use of property that causes an unreasonable diminution of the value of property in the vicinity of the condition or use.

(2) A condition or use that unreasonably intrudes upon the free use, privacy and comfortable enjoyment of the property of the citizens of the city. The use or condition may be considered an unreasonable intrusion upon the free use and comfortable enjoyment of the property when one or more of the following conditions are determined to exist:

a. The repeated intrusion upon property adjoining or surrounding the use or condition identified in the complaint of unreasonable odors, gases, smoke, ashes, soot, dust, fumes, chemical diffusion, smog, or other particles or gases.

b. The repeated intrusion upon property of unreasonable disturbances of earth or air including but not limited to vibrations, explosions, and light, and ~~loud, raucous and unnecessary noise prohibited by this Code~~, and the repeated unauthorized intrusion of adjoining property by patrons or users of the premises, which unreasonably disturbs or

interferes with the peace, comfort, privacy, and repose of owners or possessors of real property in the enjoyment and the use of their property.

Section 16. -- Amendment of existing City Code Section 14-3.

*Section 14-3 of the Code of Ordinances is hereby amended as follows:*

Nuisance means:

~~(1) Disturbing the peace and quiet of any person by habitually or continuously barking, meowing, howling, crying, whining, screaming, squawking or making other bothersome noises for at least 15 minutes in duration;~~

~~(2) Causing injury or threat of injury to any person by habitual or repeated running at large or chasing of persons;~~

~~(3) Creating obnoxious odors detectable off the premises of the owner by the condition of any animal or its confinement;~~

~~(4) Causing damage or destruction or threat of damage or destruction to any property;~~  
or

~~(5) Existing in an unsanitary condition.~~

Section 17. Scrivener's Error.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 18. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 19. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 20. Repeal of Conflicting Codes, Ordinances, And Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Avon Park, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 21. Severability

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

Section 22. Effective Date.

This Ordinance shall be effective upon passage.

IN WITNESS WHEREOF, the City of Avon Park, Florida, has duly adopted this Ordinance and caused it to be executed by the officers below as follows:

On the 13<sup>th</sup> day of November 2019 the Ordinance was read for the first time, and the vote was:

	Yes	No	Abstain	Absent
Mayor Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember/Deputy Mayor Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Barnard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Sutherland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Spurlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On the 9<sup>th</sup> day of December 2019 the Ordinance was read for the second time at a public hearing, and the vote was:

	Yes	No	Abstain	Absent
Mayor Anderson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember/Deputy Mayor Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Barnard	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Sutherland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Spurlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Seal)

ATTEST:

CITY OF AVON PARK, FLORIDA

By: Kimberly Gay City Clerk  
 By: Garrett Anderson Mayor



**SEAL**

**1926**

Highlands County, Florida

APPROVED AS TO FORM:

Gerald Buhr  
 Gerald Buhr, City Attorney