

PUTNAM COUNTY ORDINANCE NO. 2021 - 004

**AN ORDINANCE OF THE COUNTY OF PUTNAM, STATE OF FLORIDA,
AMENDING CHAPTER 18, ARTICLE VII OF THE PUTNAM COUNTY CODE
RELATING TO THE REGULATION OF AMPLIFIED SOUND; ESTABLISHING
PERMISSIBLE AMPLIFIED SOUND LEVELS WITHIN THE UNINCORPORATED
AREAS OF PUTNAM COUNTY; PROVIDING DEFINITIONS; DECLARING INTENT;
PROVIDING FOR EXEMPTIONS; PROVIDING FOR A METHOD OF
ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT
AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

WHEREAS, the making, creation or maintenance of excessive Amplified Sounds is a serious hazard to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the unincorporated areas of Putnam County; and

WHEREAS, the people have a right to , and should be ensured, an environment free of excessive Amplified Sound that may jeopardize their health, safety, or degrade the quality of life; and

WHEREAS, the Putnam County Board of County Commissioners held a duly advertised public hearing on December 8, 2020, to discuss this issue; 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Section 1, Chapter 18, Article VII of the Putnam County Code, as adopted by Ordinance 2016-07, is hereby repealed and replaced to read as follows:

Section 18-196. Title

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

Section 18-197. Applicability

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

Section 18-198. Temporary Use Permits

The Planning and Development Department Services Director (the " Director") may issue a permit for a temporary use for all non-noise sensitive areas. The Director may place appropriate conditions upon the permit to ensure the protection of the health, safety and general welfare. If there is clear and convincing evidence that no conditions can be attached to the permit that will ensure the public safety, the Director may deny the permit. The permit document shall be kept at the site of the Temporary Use and immediately made available upon request by a Putnam County Code Enforcement Officer or a member of the Putnam County Sheriff's Office. Failure to produce the permit documents upon request will be deemed a violation of this Ordinance.

Section 18-199. Definitions

The following definitions shall apply in the interpretation, enforcement and intent of this Article.

A-weighted Sound Pressure Level shall mean the sound pressure level, in decibels, as measured on a Sound Level Meter using the A-weighted network. The level so read shall be designated as dB(A-wt).

Amplified Sound means any noise or sound that is artificially enhanced or increased in volume by means of amplifier, speaker, tape or disc player, radio, or any other mechanical or electronic device.

Background or Ambient Noise Level shall mean the sound pressure level of the all-encompassing noise emanating from a given environment, usually being a composite of sound from many sources.

C-weighted Sound Pressure Level shall mean the sound pressure level, in decibels, as measured on a Sound Level Meter using the C-weighted network. The level so read shall be designated as dB(C-wt).

Continuous Amplified Sound means any Amplified Sound which does not vary in sound level by more than five (5) dB(A-wt) or five (5) dB(C-wt) during a period of time for a representative sample to be taken at least a five (5) minute measurement period.

Decibel or dB shall mean a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

Equivalent Sound Pressure Level (Leq) shall mean a sound level descriptor based on the average acoustic intensity over time. Leq is intended as a single number indicator to describe the mean energy or intensity level over a five (5) minute period time during which the sound level fluctuated. Leq is measured in dB and must either be A-weighted, C-weighted, or both.

Intermittent Amplified Sound shall mean an Amplified Sound lasting more than one (1) second and less than five (5) minutes.

Noise Control Officer ("NCO") means the Putnam County Sheriff, Code Enforcement officer, and any other law enforcement officer designated as such by the Sheriff or the Board of County Commissioners.

Noise or Noise Disturbance shall mean any Amplified Sound produced in such quantity and for such duration that it annoys, disturbs or injures a reasonable individual of normal sensitivities, and exceeds the Sound Level Limits set forth in this Table 1 herein.

Property Line shall mean an imaginary line along the surface of land or water, and its vertical plane extension, which separates the real property owned, rented or leased by a person from real property owned, rented or leased by another person.

Noise Sensitive Use means hospitals, nursing homes, schools, courts of law or other areas designated by resolution of the Board of County Commissioners.

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.

Sound Level Meter shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting network used to measure Sound Pressure Levels. The Sound Level Meter shall be of Type 2 or better.

Sound Pressure Level shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the root mean square sound pressure to the reference pressure of twenty (20) micronewtons per meter squared. The Sound Pressure Level is denoted L_p (or SPL) and is expressed in decibels.

Section 18-200. Maximum Permissible Amplified Sound Levels

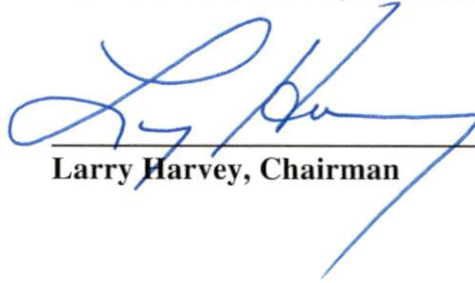
Use of the Property suffering the Noise Disturbance	Measurement	Measurement Location (upon the property suffering the Noise Disturbance)	Day of week/Time of Day	Sound Level Limit
Noise Sensitive	LEQ	Property line nearest to the source of the Amplified Sound	Any time of day 8:01 a.m. -10:00 p.m.	65 dB(a-wt)/ 70dB(C-wt)
All Others	LEQ	Property line nearest to the source of the Amplified Sound	Sunday - Thursday 8:01 a.m. - 10:00 p.m. Sunday - Friday 10:01 p.m. -8:00 a.m. Friday - Saturday 8:01 a.m. - 11:30 p.m. Saturday - Sunday 11:31 p.m. - 8:00 a.m.	70 dB(A-wt) 75 dB(C-wt) 65dB(A-wt) 70 dB(C-wt) 75 dB(A-wt)/ 80 dB(C-wt) 65 dB(A-wt)/ 70 dB(C-wt)

SECTION 3. Effective Date

This Ordinance shall become effective upon adoption by the Board of County Commissioners.

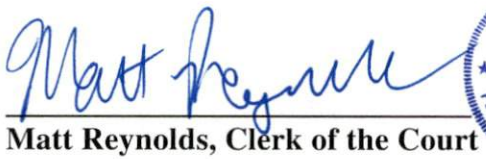
DULY ADOPTED by the Putnam County Board of County Commissioners this 9th day of February 2021.

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



Larry Harvey, Chairman

ATTEST:



Matt Reynolds, Clerk of the Court

Section 18-201. Measurement of Amplified Sounds

- A. Amplified Sound shall be measured with an integrating-averaging Sound Level Meter.
- B. Calibration of all instruments, components, and attachments shall conform to the manufacturer's recommendations.
- C. Measurement of Amplified Sound shall be made by individuals trained in a noise measurement program approved by the County.
- D. Amplified Sound shall be measured outdoors, at the Property Line of the property suffering the noise disturbance, which is closest to the source of the Amplified Sound.
- E. Unless site conditions are prohibitive, measurements shall be taken at approximately four (4) feet above the ground or water surface and at least five (5) feet away from any obstruction or reflecting surface.
- F. All Amplified Sounds shall be measured for a period not less than five (5) minutes in duration.
- G. The average of the Leq's for Intermittent Amplified Sounds shall be used to determine if a violation exists.

Section 18-202. Exempt Amplified Sounds

Safety signals and warning devices are exempt from the provisions of this Ordinance.

Section 18-203. 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 upon personal audible sense. Such complainant may be anonymous.

Section 18-204. Violation; Penalty

It shall be unlawful for any person to hinder or prevent the performance of any act or duty authorized or required by this Ordinance. The NCO, finding probable cause that a person has committed an act in violation of this Ordinance, shall prosecute said person as described in Section 125.69, Florida Statutes.

SECTION 2. Conflict and Severability

Should this Ordinance conflict with any other ordinance of Putnam County, this Ordinance shall control. 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.