

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE V OF THE ORANGE COUNTY CODE OF ORDINANCES, KNOWN AS THE “NOISE CONTROL ORDINANCE OF ORANGE COUNTY, FLORIDA”; AMENDING PROVISIONS PERTAINING TO DEFINITIONS, SOUND LEVEL LIMITS, STANDARDS FOR MEASURING SOUND, EXEMPTIONS, VARIANCES, AND METHODS OF ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in October 1986, the Orange County Board of County Commissioners (the “Board”) enacted the Noise Control Ordinance of Orange County, Florida (the “Noise Control Ordinance”);

WHEREAS, the Board subsequently amended the Noise Control Ordinance during the years of 1995, 2008, and 2014, to protect the health, safety, and general welfare of people of the County by providing additional standards for the abatement of excessive and unnecessary noise; and

WHEREAS, the Board desires to further enhance Orange County’s standards for the abatement of excessive and unnecessary noise by amending the Noise Control Ordinance to amend definitions, maximum allowable sound level limits, and certain other provisions of the Noise Control Ordinance.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendments to the Noise Control Ordinance. Chapter 15, article V of the Orange County Code, consisting of sections 15-176 through 15-215, is hereby amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

ARTICLE V. NOISE POLLUTION CONTROL

Sec. 15-176. Title.

This article shall be known and may be cited as the “Noise Control Ordinance of Orange County, Florida.”

Sec. 15-177. Authority.

This article is enacted pursuant to Article II, § 7, Florida Constitution, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise, and under the home rule power of Orange County, Florida, specifically, F.S. § 125.01(1), and the County Charter.

Sec. 15-178. Scope.

This article shall be effective throughout the unincorporated area of the county.

Sec. 15-179. Purpose; intent; authority and responsibility of environmental protection officer and investigating officer.

(a) The purpose of this article is to prevent, prohibit, and also provide for the abatement of, excessive and unnecessary noise, known as noise disturbance, in order to protect the health, safety, and general welfare of people of the county.

(b) It is the intent of this article to clearly define and describe the respective authority and responsibility under this article for the environmental protection officer and the investigating officer relating to noise disturbance investigation and enforcement, unless the noise disturbance is otherwise exempt under this article.

(c) Nothing in this article is intended to deter individuals from lawfully exercising the individual right of freedom of speech, or any other rights guaranteed under the Constitution of the United States of America or the Constitution of the State of Florida, or to unreasonably limit or restrain commercial or industrial enterprises.

~~(e)~~ The environmental protection officer shall have the authority pursuant to this article to investigate and, if applicable, issue a notice of violation or civil citation as provided in this article in any case involving a noise disturbance emanating from residential property under construction or a nonresidential property that exceeds the allowable limits set forth in section 15-182 of this article.

~~(d)~~ The investigating officer shall have the authority pursuant to this article to investigate and, if applicable, issue a civil or criminal citation for a violation of the plainly audible standard, as established in section 15-183(b), and noise disturbance complaints ~~which that may~~ might involve the consumption of alcohol or any

suspected illegal activities and noise disturbance complaints involving “breach of the peace” as defined in F.S. § 877.03.

Sec. 15-180. Terminology, standards, and definitions.

(a) *Terminology and standards.* All technical acoustical terminology and standards used in this article that are not defined in subsection (b) shall be read or construed in conformance with the American National Standards Institute, Inc., (“ANSI”) publication entitled “Acoustical Terminology,” designated as ANSI standard 1.1-1994.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

(1) *A-weighted sound pressure level* shall mean the sound pressure level, in decibels, as measured on a sound level meter using the A-weighting network. The level so read shall be designated as dB (A-wt).

(2) *Amusement attraction or ride* shall mean any building, structure, or mechanical device or combination thereof, located within a Regional Center, through which a patron moves, walks, or is carried or conveyed on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its patrons amusement, pleasure, thrills, or excitement, as defined by Section 616.242, Florida Statutes, and operated in compliance with all applicable laws, rules and regulations, including applicable permit requirements.

(23) *ANSI* shall mean the American National Standards Institute, Inc.

(34) *Background noise level* shall mean the sound pressure level of the all-encompassing noise emanating from a given environment, usually being a composite of sounds from many sources.

(45) *Breach of the peace* shall mean as defined in F.S. § 877.03.

(6) *Commercial area* shall mean a non-residential workplace land-use area consisting of office, retail, food

establishments, entertainment, and leisure establishments.

(57) *Construction* shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private thoroughfares, structures, utilities or similar property.

(68) *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.

(79) *Development permit* shall have the meaning as described in F.S. § 163.3164.

(810) *Demolition* shall mean any dismantling, destructing or razing of structures, utilities, public or private thoroughfares, or similar property.

(11) *Distance measuring device* shall mean an electronic device that utilizes global positioning software (GPS) or a similar software application, such as Google Maps or Google Earth; a measuring wheel; counting paces; a speed measurement device, such as a device used by law enforcement agencies; or other means or methods utilized to reasonably estimate distances.

(912) *Emergency* shall mean any occurrence or circumstance involving actual or imminent physical death or trauma, environmental harm, or property damage, demanding immediate emergency work or service.

(4013) *Emergency work* or *emergency service* shall mean any labor performed for the purpose of preventing or alleviating, or attempting to prevent or alleviate, physical trauma or property damage threatened or caused by an emergency, or work by private or public utilities when restoring utility service.

(1414) *Environmental protection officer* shall mean the county environmental protection officer, as defined in this chapter, or his/her designee.

(4215) *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 specified period of time during which the sound level fluctuated, Leq is measured in dB and must be A-weighted.

(16) Industrial area shall mean a type of land use area consisting of land uses and structures used for light and heavy manufacturing, assembly, fabrication, repairing, warehousing, storage, processing of raw materials, and craftsmanship work.

~~(13)~~(17) Impulsive sound shall mean a sound of short duration, usually less than one ~~(1)~~ second and of high intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, or pile driver impacts.

~~(14)~~(18) Intermittent sound shall mean a sound of greater than one ~~(1)~~ second duration and less than fifteen (15) minutes. Examples of sources of intermittent sound are air compressors, heating and air conditioning units and PA speakers.

~~(15)~~(19) Investigating officer shall mean the Orange County Sheriff or duly authorized Orange County Deputy Sheriff.

(20) Mixed-use area shall mean a type of land use area consisting of development of a diversity of compatible land uses, that includes a mixture of two or more of the following uses: residential, office, retail, institutional, recreational, light industrial, and other miscellaneous uses, or as otherwise defined in the zoning regulations of the Orange County Code.

~~(16)~~(21) Motor vehicle shall mean any vehicle defined as “motor vehicle” by F.S. § 320.01(1).

(22) Noise complaint shall mean a verbal or written complaint submitted to the Environmental Protection Division or the Sheriff’s Office by a property owner; a business owner; a tenant; or an authorized representative of any of such owners or leaseholders; who asserts a violation of the sound level standards established by the Noise Control Ordinance. For the purposes of this ordinance, business patrons, hotel guests, or other persons who do

not have an ownership or leasehold interest in a property
are not authorized representatives of a property owner or
a business owner for the purpose of submission of a noise
complaint. Such persons must request submission of a
noise complaint on their behalf by an owner, a lessor, or
another authorized representative of the subject property.

(1723) *Noise or noise disturbance*, for purposes of this
article, shall mean any 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 article or
is plainly audible. Further, *noise or noise disturbance*
includes, but is not limited to, low frequency sounds
caused by amplified bass music that can induce vibration
in building structures or human beings.

(24) *Noise compliance and compatibility study* shall mean a
study prepared by a qualified professional that through
modeling and/or field study demonstrates that under the
most adverse conditions expected, the proposed project,
including any proposed noise abatement plan, will
comply with the noise regulations in Article V, Chapter
15 of the Orange County Code, and provides a
comparison to background noise levels, durations, and
characteristics (e.g., continuous, intermittent, impulsive,
and tone/frequency) within surrounding properties, and
also other properties within the same zoning category or
the same class of any transect or special zone.

(1825) *Noise-sensitive zone* shall mean a quiet zone where
serenity and quiet are of extraordinary significance,
which is open or in session. Noise-sensitive zones
include schools, public libraries, churches, hospitals,
nursing homes, and other areas defined as such pursuant
to a resolution adopted by the board of county
commissioners.

(26) *Non-residential area* shall mean any land use area that is
not defined herein as a residential area, but shall not
include areas in a Regional Center.

(1927) *Person* shall mean an individual, association,
partnership, or corporation, including any officer,
employee, department, agency or instrumentality of the
United States, the state or any political subdivision
thereof.

(2028) *Plainly audible* shall mean any ~~noise or noise disturbance~~sound produced by any source, or reproduced by a radio, tape player, television, CD player, electronic audio equipment, musical instrument, sound amplifier or ~~other mechanical or electronic sound making device~~any source that can be clearly heard by a person using his/her normal hearing faculties, at a distance as defined in subsection 15-183(b)(1) from the property line or right-of-way line of the source of the ~~noise disturbance~~sound. When the particular sound or noise involves words or phrases, sound or noise may be deemed as “clearly heard” even though the investigating officer cannot determine the specific words or phrases being uttered or produced. The detection of a rhythmic bass ~~reverberating vibrating component of music or type of noise~~disturbance is sufficient to constitute a plainly audible sound or noise.

(2129) *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 the real property owned, rented or leased by another person. Where the real property owned, rented or leased by a person abuts a waterbody, the term “property line” shall mean the established normal high water elevation of the waterbody.

(2230) *Public right-of-way* shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public ~~which~~that is owned or controlled by the state, county, or municipality.

(31) *Receiving property and receiving properties* shall mean a property or properties where a noise or noise disturbance is perceived to have occurred and, specifically includes properties that are located in a residential area that is adjacent to or abuts a Regional Center.

(32) *Regional Center* shall mean either the I-Drive District Regional Center or the University of Central Florida (UCF) Regional Center areas, as defined by the Orange County Comprehensive Plan, as amended from time to time.

(2333) *Residential area* shall mean an area of unincorporated Orange County that ~~—predominantly includes residential properties~~ consists of land and buildings used for permanent housing, i.e., single-family and multifamily dwellings, townhouses ~~or~~ and mobile homes—timeshare condominiums, but shall not include areas in a Regional Center.

(2434) *Sound* shall mean an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

(2535) *Sound level* shall mean the weighted sound pressure level obtained by the use of a metering characteristic and weighting A as specified in American National Standards Institute specifications for sound level meters (ANSI standard 1.4-1983). If the weighting employed is not indicated, the A-weighting shall apply.

(2636) *Sound level meter* shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated. The sound level meter shall be of Type 2 or better, as specified in the American National Standards Institute publication entitled “Specifications for Integrating-Averaging Sound Level Meters” designated as ANSI standard S1.43-1997 (R2007) and any subsequent revision thereof.

(2737) *Sound pressure* shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

(2838) *Sound pressure level* shall mean a 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.

(39) *Special event* shall mean an event for which the County has issued a special event permit, as defined in chapter

368 38 of the Orange County Code, as it may be amended,
370 renumbered or replaced from time to time, that is subject
372 to certain requirements and conditions, including
374 conditions for limitations on the hours and sound
produced by the event, such as an Outdoor Public
Assembly Permit, Block Party Permit, Special Outdoor
Event Permit and similar special event permits.

376 (40) *Theme park and theme park attraction* shall mean a
378 business or activity in a Regional Center that includes
380 show and ride systems, theatrical sound systems, sound
effects, authorized fireworks or pyrotechnics displays,
and amplified human voices used as part of immersive
entertainment experiences.

382 (41) *Unamplified human voice* shall mean a human voice that
384 is not enhanced or intensified in volume, effect, or force,
386 through the use of an amplifier, such as electronic or
mechanical equipment.

388 (42) *Vehicle* shall mean any means in or by which someone
390 travels or something is carried or conveyed, including,
but not limited to, cars, trucks, trailers, and motorcycles.

392 **Sec. 15-181. Findings of fact.**

394 (a) Excessive and unnecessary noise interferes with the
396 quality of life and can interfere with the health, safety and general
welfare of the public.

398 (b) In particular, excessive and unnecessary noise can cause
adverse psychological and physiological effects on humans.

400 (c) A substantial body of science and technology exists by
402 which noise may be measured and substantially abated.

404 (d) The provisions and prohibitions contained in this article
406 are enacted in pursuance of and for the purpose of securing and
promoting the public health, safety, welfare and quality of life in the
county for its inhabitants.

Sec. 15-182. Maximum permissible sound levels; land use categories; times; and measurement descriptors.

TABLE 1
MAXIMUM ALLOWABLE SOUND LEVEL LIMITS
(measured with sound level meter)

<i>Land Use Category</i>	<i>Measurement</i>	<i>Time of Day</i>	<i>Sound Level Limit (dBA)</i>
Noise Sensitive Zone	Time Averaged (LEQ _{Leq})	Any time	55 dB <u>dBA</u>
	Impulsive	All days 7:00 a.m.—10:00 p.m.	60 dB <u>dBA</u>
	Impulsive	All days 10:01 p.m.—6:59 a.m.	Not allowed
<u>Residential Area and Receiving Properties</u>	Time Averaged (LEQ _{Leq})	All days 7:00 a.m.—10:00 p.m.	60 dB <u>dBA</u>
	Time Averaged (LEQ _{Leq})	All days 10:01 p.m.—6:59 a.m.	55 dB <u>dBA</u>
	Impulsive	All days 7:00 a.m.—10:00 p.m.	65 dB <u>dBA</u>
	Impulsive	All days 10:01 p.m.—6:59 a.m.	Not allowed
<u>Commercial and Mixed-use Area¹</u>	Time Averaged (Leq)	All days 7:00 a.m. – 10:00 p.m.	65 dBA
	Time Averaged (Leq)	All days 10:01 p.m. – 6:59 a.m.	60 dBA
	Impulsive	All days 7:00 a.m. – 10:00 p.m.	70 dBA
	Impulsive	All days 10:01 p.m. – 6:59 a.m.	Not allowed
<u>Industrial Area¹</u>	Time Averaged (Leq)	All days 7:00 a.m. – 10:00 p.m.	70 dBA
	Time Averaged (Leq)	All days 10:01 p.m. – 6:59 a.m.	65 dBA
	Impulsive	All days 7:00 a.m. – 10:00 p.m.	75 dBA
	Impulsive	All days 10:01 p.m. – 6:59 a.m.	Not allowed
<u>Regional Centers (including Theme Parks and Amusement Attractions and Rides)</u>	<u>See Table 1.1 below</u>		

¹ Measurement of the sounds that arise from properties within the commercial, mixed-use, and industrial areas, shall be measured from a distance not closer than 50 feet from the property line of the source of the sound.

TABLE 1.1
REGIONAL CENTERS MAXIMUM ALLOWABLE SOUND LEVEL LIMITS
(measured with sound level meter)

<u>Land Use Category</u>	<u>Time</u>	<u>Day / Sound Level Limit</u>						
		<u>Sunday</u>	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>
Regional Centers ¹ (including Theme Parks and Amusement Attractions and Rides)	12:01 a.m. – 2:00 a.m.	70 dBA	60 dBA	60 dBA	60 dBA	60 dBA	60 dBA	70 dBA
	2:01 a.m. – 6:59 a.m.	60 dBA	60 dBA	60 dBA	60 dBA	60 dBA	60 dBA	65 dBA
	7:00 a.m. – 12:00 a.m.	65 dBA	65 dBA	65 dBA	65 dBA	65 dBA	70 dBA	70 dBA

¹ Noise disturbance complaints in a Regional Center that might involve the consumption of alcohol, any suspected illegal activities, or “breach of the peace”, defined by Section 877.03, Florida Statutes are subject to investigation and enforcement by an investigating officer, pursuant to Section 15-179(e), and shall be subject to Table 2.1 and are not governed by Table 1.1.

Sec. 15-183. Measurement or assessment of noise.

(a) *Measurement with a sound level meter.*

- (1) Sound shall be measured with an integrating-averaging sound level meter satisfying at least the applicable requirements for a Type 2 meter or better, as specified in the American National Standard Institute publication entitled, “Specifications for Integrating-Averaging Sound Level Meters” designated as ANSI standard S1.43-1997-2013.
- (2) Calibration of all instruments, components, and attachments shall conform to the latest ANSI standards.
- (3) Measurements of sound under this subsection shall be made by individuals trained in a noise measurement program approved by the county.
- (4) Sound shall be measured outdoors, no closer than the nearest noise sensitive zone or residential area property line.

- (5) All sounds shall be measured for a period not less than fifteen (15) minutes in duration, except as provided in subsections (a)(6) and (a)(7).
- (6) Intermittent sounds shall be measured within a sixty-minute period. A minimum five ~~(5)~~-minute Leq of the sound shall be required to evaluate if a violation exists.
- (7) Impulsive sounds shall be measured for only the duration of the sound.
- (8) Except when site conditions are prohibitive, measurements shall be taken at approximately five ~~(5)~~ feet above the ground or water surface and at least five ~~(5)~~ feet away from any obstruction or reflecting surface.
- (9) At sites with background noise levels which are at, or in excess of, the applicable allowable levels of Table 1 and Table 1.1, the maximum allowable noise level will be three ~~(3)~~-dB above the allowable levels of Table 1 and Table 1.1, or one ~~(1)~~-dB above the background noise levels, whichever is greater.

(b) *Assessment of noise without sound level meter.*

- (1) No person shall create a sound that is plainly audible at the time and distance ~~requirements~~ limits set forth in the following Table 2 and Table 2.1:

TABLE 2
PLAINLY AUDIBLE STANDARD SOUND LIMITS

<i>Underlying Land Use Category (from which noise emanates)</i>	<i>Time of Day</i>	<i>Distance</i>
Residential Area (<u>excluding Regional Centers</u>)	<u>All days</u> 7:00 a.m.—10:00 p.m.	500-100 feet or more
	<u>All days</u> 10:01 p.m.—6:59 a.m.	150-50 feet or more
Nonresidential Area (<u>excluding Regional Centers</u>)	<u>All days</u> 7:00 a.m.—10:00 p.m.	500-200 feet or more
	<u>All days</u> 10:01 p.m.—6:59 a.m.	300-100 feet or more
<u>Regional Centers</u> (<u>excluding theme parks, amusement attractions, and rides</u>)	<u>See Table 2.1 below</u>	

TABLE 2.1
REGIONAL CENTERS PLAINLY AUDIBLE STANDARD SOUND LIMITS

<u>Underlying Land Use Category (from which noise emanates)</u>	<u>Time</u>	<u>Day / Distance</u>						
		<u>Sunday</u>	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>
<u>Regional Centers (excluding theme parks, amusement attractions, and rides)</u>	<u>12:01 a.m. – 2:00 a.m.</u>	<u>500 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>500 feet or more</u>
	<u>2:01 a.m. – 6:59 a.m.</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>
	<u>7:00 a.m. – 12:00 a.m.</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>300 feet or more</u>	<u>500 feet or more</u>	<u>500 feet or more</u>

(2) ~~Noise disturbances~~ Sounds in violation of subsection 15-183(b)(1) shall be confirmed by the investigating officer. The investigating officer who hears a ~~noise disturbance~~ sound that ~~may~~ might be plainly audible shall assess the ~~noise disturbance~~ sound by measuring the distance from the property line or right-of-way line of the source of the ~~noise disturbance~~ sound ~~according to the following standards: sound to a distance that exceeds the distance requirement of the plainly audible standard sound limits in subsection 15-183(b)(1).~~ The investigating officer shall measure such distance, according to the following standards, to determine whether the sound constitutes a noise disturbance:

a. The primary means of detection shall be the investigating officer's normal hearing faculties, provided the investigating officer's hearing is not enhanced by any mechanical or medical device, such as a hearing aid.

b. The investigating officer shall have a direct line of sight and hearing to the real property that is the source of the ~~noise disturbance~~ sound so that the investigating officer can identify the offending source of such ~~noise disturbance~~ sound and the distance involved.

c. The investigating officer shall use a distance measuring device to measure the distances defined in subsection 15-183(b)(1).

Sec. 15-184. Prohibited acts.

Subject to the provisions of sections 15-185 and 15-186, no person shall produce, cause to be produced, or allow to be produced, by any means, any noise disturbance on any private or public property, including a right-of-way, when such noise is plainly audible or when such noise is measured pursuant to section 15-183 and, where applicable, exceeds the applicable sound level limits set forth in section 15-182.

Sec. 15-185. Exemptions.

The provisions of section 15-184 shall not apply to the following sounds:

(1a) Lawn maintenance activities, from 7:00 a.m. until 10:00 p.m.;

(2b) Railway locomotives or cars activity conducted in accordance with federal laws and regulations;

(3c) Church or clock carillons, bells or chimes from 7:00 a.m. until 10:00 p.m.;

(4d) Aircraft and airport activity conducted in accordance with federal laws and regulations;

(5e) Law enforcement activities, including training;

(6f) Emergency signals during emergencies;

(7g) Emergency signal testing between 7:00 a.m. and 7:00 p.m.;

(8h) Emergency work or emergency service;

(9i) Generators used during or as a result of an emergency;

(j) Intermittent testing of generators and emergency equipment between 8:00 a.m. and 6:00 p.m., consisting of no more than two intermittent periods of 20 minutes each for testing within any consecutive two hour period of time, with the exception that temporary generators that are used to provide electrical power during an electrical power outage are exempt from such time limitations, provided that the generator or emergency equipment is

operated in accordance with the manufacturer's specifications, with all standard equipment, and is in proper operating condition;

(14k) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 and applicable federal criteria;

(14l) Refuse collection vehicles, including street sweepers, while in the process of performing their intended activities in compliance with the times for collection specified in Section 32-178 of the Orange County Code, as it may be amended from time to time;

(14m) Construction or demolition activities, other than the placement of concrete as described in subsection (14n) below, for which the county has issued a development permit, provided such activity occurs between 7:00 a.m. and 9:00 p.m.;

(14n) Placement of concrete associated with nonresidential development activities, for which the county has issued a development permit, when conducted between 3:00 a.m. and 9:00 p.m., provided that concrete placement for building foundations may begin at 3:00 a.m., and horizontal casting of concrete walls shall not commence until after 7:00 a.m. If placement of concrete for building foundations is planned to occur prior to 7:00 a.m., notice shall be provided to surrounding residential areas or noise sensitive zones within a maximum period of no more than fourteen (14) calendar days and a minimum period of forty-eight (48) hours' notice prior to commencement of this activity the scheduled date of the placement of concrete. No more than one alternative date for the scheduled date of the placement of concrete shall be provided in such notice. However, notwithstanding the foregoing, two or more alternative dates may be included in the notice as long as such notice is provided to the Environmental Protection Division for review and shall be distributed in accordance with written and published policies and procedures established by the Environmental Protection Division. A copy of the notice and distribution list shall be provided to the environmental protection officer at least forty-eight (48) hours prior to commencement of this such concrete placement activity;

(14o) Construction activities related to city, county, state or federal roads, highways or freeways;

(14p) Scheduled organized activities at a publicly-owned or operated facility;

(14q) The supervised public display of fireworks by fair associations, amusement theme parks, and other organizations or

groups of individuals under the authority of and in compliance with public assembly permits issued by the county and other applicable requirements of law or other approvals ~~or other lawful use of fireworks;~~

(17r) Unamplified human voices;

(18s) Any motor vehicle engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged, or practice or time trials for such event, at a facility being used for such purposes as of October 15, 1995; and

~~(19t) Outdoor events for which the organizer has been issued a special outdoor event permit by Orange County, provided it is conducted in accordance with such permit. A special event, as defined in this article, upon the condition that the Sheriff's Office has provided written approval to exempt the special event from compliance with maximum sound level requirements or other requirements of the Noise Ordinance, and the special event is conducted in accordance with such written approval and other requirements and conditions of the special event permit.~~

Sec. 15-186. Variances.

(a) The environmental protection officer may grant a variance from any provision of section 15-182 or 15-184.

(b) Any request for a variance from the requirements of this article shall be considered by the environmental protection officer and granted only when it is found that hardship would result from strict compliance with the provision from which a variance is sought. The environmental protection officer shall grant approval of a variance upon the determination that (1) the hardship is not self-imposed; (2) the variance is necessary; and (3) the intent and purposes of this article are achieved in granting the variance.

(c) Any person seeking a variance shall submit an application to the environmental protection officer. At a minimum, the applicant shall provide the following information:

(1) Identification of applicant;

(2) Applicant's mailing address;

(3) Legal description of property from which the sound will emanate;

(4) Description of source of sound;

(5) Description of sound;

(6) Names and addresses of all abutting property owners;
~~and~~

(7) Facts and reasons justifying a variance-; and

(8) Noise compliance and compatibility study.

(d) The applicant for a variance shall tender an application fee in an amount determined by the board of county commissioners.

(e) The environmental protection officer shall schedule a hearing on the variance application. The environmental protection officer shall notify the applicant for a variance and all abutting property owners no less than ten (10) days before the hearing of the time, date, and place of the hearing. If the variance application stems from a complaint, then the environmental protection officer shall notify the complainant.

(f) At the hearing, the applicant may submit any relevant evidence or testimony. In deciding whether to grant or deny the application, the environmental protection officer shall consider the hardship which will result to the applicant, the community, and other persons if the variance is not granted, versus the adverse impact on the health, safety, and general welfare of persons if the variance is granted. The environmental protection officer shall grant or deny the variance application no later than ten (10) days after the date of the hearing. In granting or denying a variance application, the environmental protection officer shall state in writing on the application the reasons for the decision. If the decision is to grant the application, the environmental protection officer shall set forth the terms and conditions of the variance.

(g) Any person aggrieved by the decision of the environmental protection officer may appeal pursuant to the provisions of section 15-38.

Sec. 15-187. Enforcement/penalty.

(a) It shall be unlawful for any person to violate any provisions of this article, or any provisions of any resolution enacted pursuant to this article. Upon receipt of a noise complaint, the provisions of this article may be enforced by issuance of a letter of warning, a notice of violation, civil citation, or criminal citation.

Any person not in compliance with this article, or any provisions of any resolution enacted pursuant to the authority of this article, may be prosecuted in accordance with chapter 11 of this Code or as provided in section 1-9 of this Code. Each violation shall be considered a separate offense.

(b) When a noise complaint is investigated by the environmental protection officer, pursuant to subsection 15-179(c), and a determination is made that a violation of this article has occurred without the issuance of and in compliance with the appropriate special event permit or other County approval as provided in Section 15-185 of this article, or without the issuance of and in compliance with a variance or special event permit as provided in sections 15-186 and 15-187 of this article, or not in accordance with this article, the environmental protection officer shall promptly issue a letter of warning, written notice of violation, or civil citation. If and when issued, a civil citation shall be issued pursuant to the requirements provided at F.S. § 162.21, which shall be punishable by a fine of two hundred dollars (\$200.00) for the first offense and four hundred dollars (\$400.00) for the second offense. A third and each subsequent violation of the same provision requires a mandatory court appearance and may be punishable by a fine of five hundred dollars (\$500.00). If and when issued, a notice of violation shall include a description of the site where the violation has occurred, cite the provisions of this article and other applicable laws that have been violated, and set forth the required remedial action or actions to be taken as deemed reasonable and necessary by the county. Such remedial action may include:

- (1) Modification of the structure or business causing the violation in order to comply with applicable local, state or federal laws or regulations;
- (2) Any other actions consistent with the purpose and intent of this article or other applicable laws in order to ameliorate the adverse impacts of the violation; and
- (3) Administrative and civil penalties.

(c) (1) When a noise complaint is received and referred to the investigating officer for investigation, pursuant to subsection 15-179(d), and upon personal investigation the investigating officer finds probable cause to believe the owner or operator of the real property at issue is in violation of this article, the investigating officer may issue a written warning to cease and desist the violation.

(2) If the owner or operator of the real property does not take corrective action regarding such a cease and desist warning within a reasonable time, which is defined to be ~~fifteen (15)~~ five minutes or less, or if the noise or sound is abated after the warning and then reoccurs within one hundred eighty (180) days of the time of abatement, the owner or operator of the real property at issue may be found guilty of a civil infraction, with a maximum penalty in an amount not to exceed five hundred dollars (\$500.00).

(3) Upon determination that a violation of this article has occurred, the investigating officer may issue a civil citation pursuant to the requirements provided at F.S. § 162.21, which shall be punishable by a fine of two hundred dollars (\$200.00) for the first offense and four hundred dollars (\$400.00) for the second offense. A third and each subsequent violation of the same provision requires a mandatory court appearance and may be punishable by a fine of five hundred dollars (\$500.00) or by criminal citation as provided in section 1-9 of this Code.

(d) If the person cited elects to pay the applicable reduced civil penalty for a first or second violation, the person shall be deemed to have admitted the infraction and waived the right to a hearing. If the person cited fails to pay the civil penalty by the fourteenth day after issuance of the citation or fails to request a court hearing within the time prescribed, the person shall have waived any right to contest the citation, and a judgment shall be entered against the person cited in an amount up to the maximum civil penalty, which shall not exceed five hundred dollars (\$500.00).

(e) Any person violating this article shall be liable for all costs incurred by the county in connection with enforcing this article or any provisions of any resolution enacted pursuant to this article, including, without limitation, attorneys' fees and investigative and court costs.

Sec. 15-188. No liability for reasonable, good faith trespass by enforcement officer or authorized designee or sheriff or deputy sheriff.

The environmental protection officer, the investigating officer, any other authorized code enforcement officer, and the county shall be immune from prosecution, civil or criminal, for reasonable, good

faith trespass upon private property while in the discharge of duties under this article.

Sec. 15-189. Reserved.

Sec. 15-190. Reserved.

Sec. 15-191. Administration.

The board of county commissioners may adopt such resolutions as are necessary to effectively administer this article.

Secs. 15-192—15-215. Reserved.

Section 2. Effective date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS ____ DAY OF _____, 2025.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk