

Board of County Commissioners

**Chapter 15, Article V
Noise Pollution Control Ordinance
Proposed Revisions**

DAB Work Session

November 18, 2024

Presentation Outline

- Purpose
- Background
- Current Code & Implementation
- Noise Ordinance Study
- Proposed Revisions
- Stakeholder Engagement
- Summary
- Next Steps





Purpose

- **Increasing number of noise complaints from residents**
 - Many described that County efforts to help them have been ineffective or limited
- **Commissioner feedback prompted a review of existing County Noise Ordinance**
- **Comprehensive review of Noise Ordinance completed to address public concerns and requests for amendments**
- **BCC gave direction to move forward with development of updated Noise Ordinance on 9/10/2024 Work Session**
- **Provide an update on noise ordinance study, proposed revisions, and receive feedback from stakeholder groups**



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Background

- **Chapter 15, Article V. Noise Pollution Control**
 - Originally adopted in 1986
 - Updated in 1995, 2008 and 2014
- **Regulates noise and vibration throughout the unincorporated areas**
- **Enforcement is managed by two agencies, depending on the source**





Background

- **Complaints are received through a variety of mechanisms**
 - **311 (calls assigned to EPD or OCSO)**
 - **Commissioner's Office**
 - **OCSO (non-emergency line)**
 - **EPD**





Background

Noise Pollution Impact on Public Health

■ Physical

- Hearing loss
- Cardiovascular problems
- Sleep disturbance

■ Mental

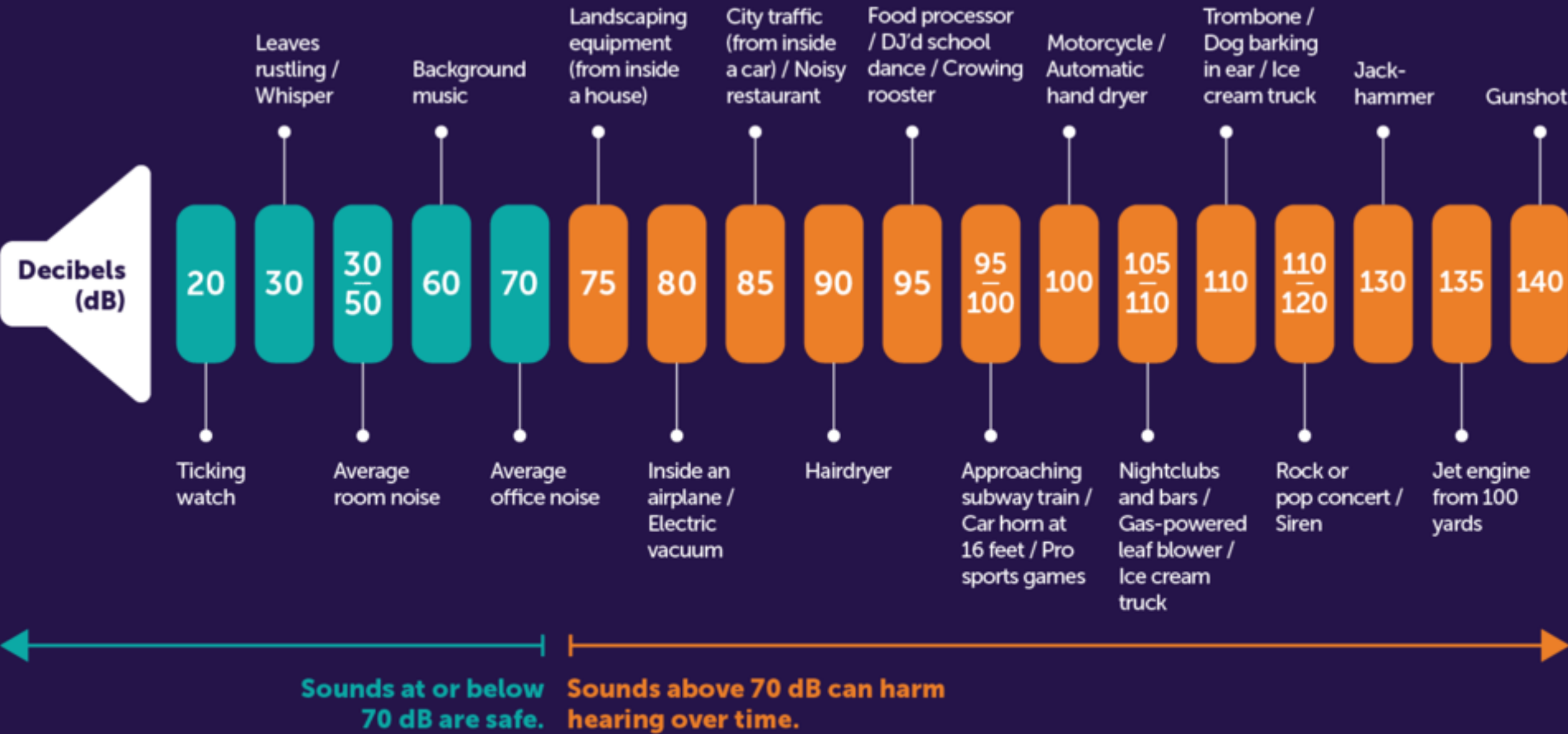
- Increased stress and anxiety
- Cognitive impairment
- Depression and anxiety

■ Community

- Reduced quality of life
- Disruption to social cohesion
- Disproportionate impact on vulnerable populations



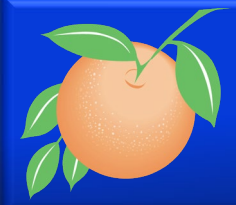
NOISE LEVELS



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Current Code

▪ Chapter 15, Article V. Noise Pollution Control

–Purpose - *“Prevent, prohibit, and 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.”*

–Ordinance provides:

- Definitions
- Maximum permissible sound levels
- Land use categories, times, and measurement descriptors
- SOPs for measuring noise
- Exemptions and variances
- Enforcement process

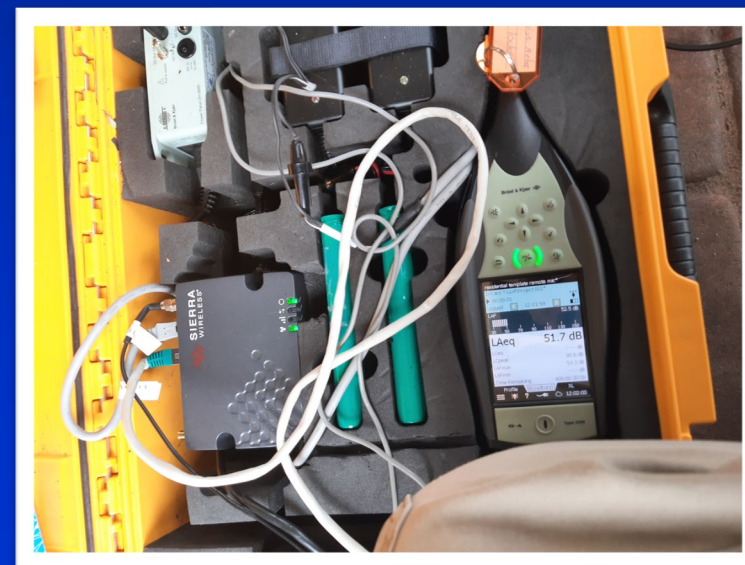
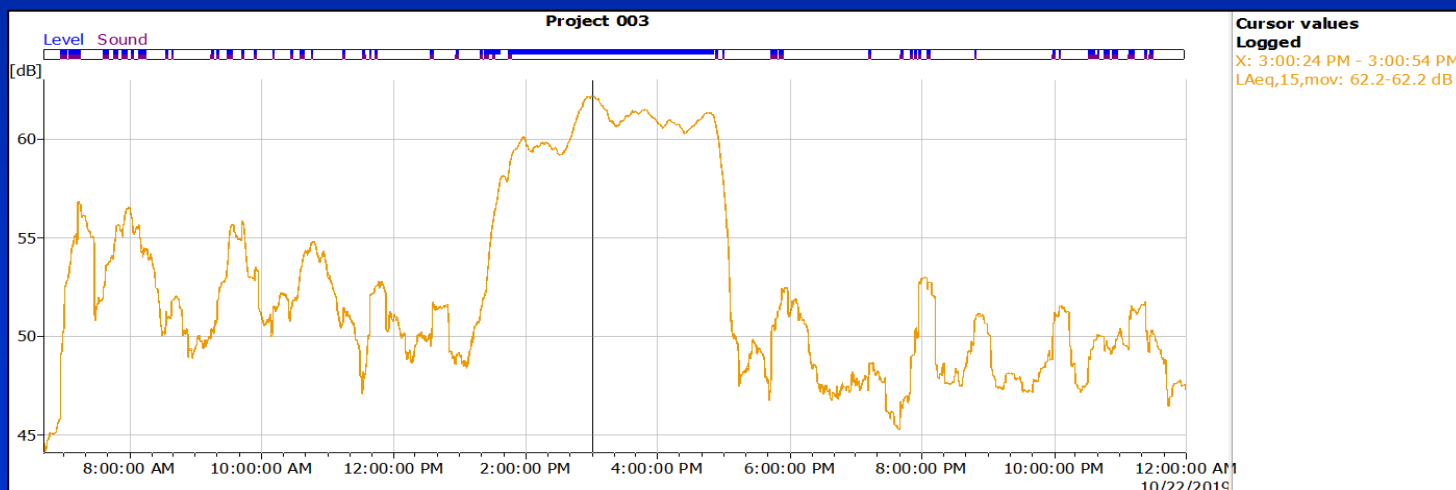


Current Code

Noise Measurement

- Noise disturbance is measured in several ways

1. Equivalent sound pressure level (Leq) means a sound level based on the average acoustic intensity over time. Leq is a single number to describe the mean energy or intensity level over a specified time during which the sound level fluctuated, Leq is measured in dB.



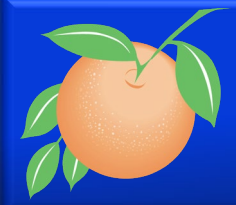


Current Code

Noise Measurement

- Noise disturbance is measured in several ways

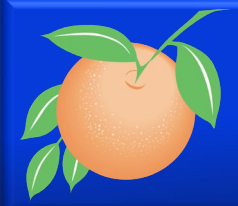
2. Plainly audible means any noise or noise disturbance produced by any source, or reproduced by electronic audio equipment, musical instrument, sound amplifier or other sound making device that can be clearly heard by a person using his/her normal hearing faculties, at a distance from the property line or right-of-way line of the source of the noise disturbance. When the particular sound or noise involves words or phrases, it may be deemed as "clearly heard" even though the investigating officer cannot determine the specific words or phrases being uttered or produced. Rhythmic bass reverberating is sufficient to constitute a plainly audible sound or noise.



Current Code

Noise Measurement

- Noise disturbance is measured in several ways
 - 3. Breach of the peace** (F.S. 877.03) - Whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct, shall be guilty of a misdemeanor of the second degree
 - Requires complainant to file a complaint notice



Current Code Implementation

■ Environmental Protection Division (EPD)

- Enforces sound emanating from *commercial and industrial* facilities under Section 15-182, Table 1.
- Table 1: Code Standard - Sound assessed using sound level meter (dBA=decibels) time weighted average

Land Use Category	Measurement	Time of Day	Sound Level Limit (dBA)
Noise Sensitive Zone	Time Averaged (LEQ)	Any time	55 dB
	Impulsive	7:00 a.m. - 10:00 p.m.	60 dB
	Impulsive	10:01 p.m. - 6:59 a.m.	Not allowed
Residential Area	Time Averaged (LEQ)	7:00 a.m. - 10:00 p.m.	60 dB
	Time Averaged (LEQ)	10:01 p.m. - 6:59 a.m.	55 dB
	Impulsive	7:00 a.m. - 10:00 p.m.	65 dB
	Impulsive	10:01 p.m. - 6:59 a.m.	Not allowed

- **Orange County Sheriff’s Office (OCSO)**
 - Enforces sound emanating from *residential and commercial sites* which may 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
 - Chapter 15-183, Table 2: Plainly Audible Time and Distance Requirements

Source Land Use Category	Time of Day	Distance
Residential Area	7:00 a.m. - 10:00 p.m.	500 feet or more
	10:01 p.m.- 6:59 a.m.	150 feet or more
Nonresidential Area	7:00 a.m. - 10:00 p.m.	500 feet or more
	10:01 p.m. - 6:59 a.m.	300 feet or more



Current Code Implementation

■ EPD Process

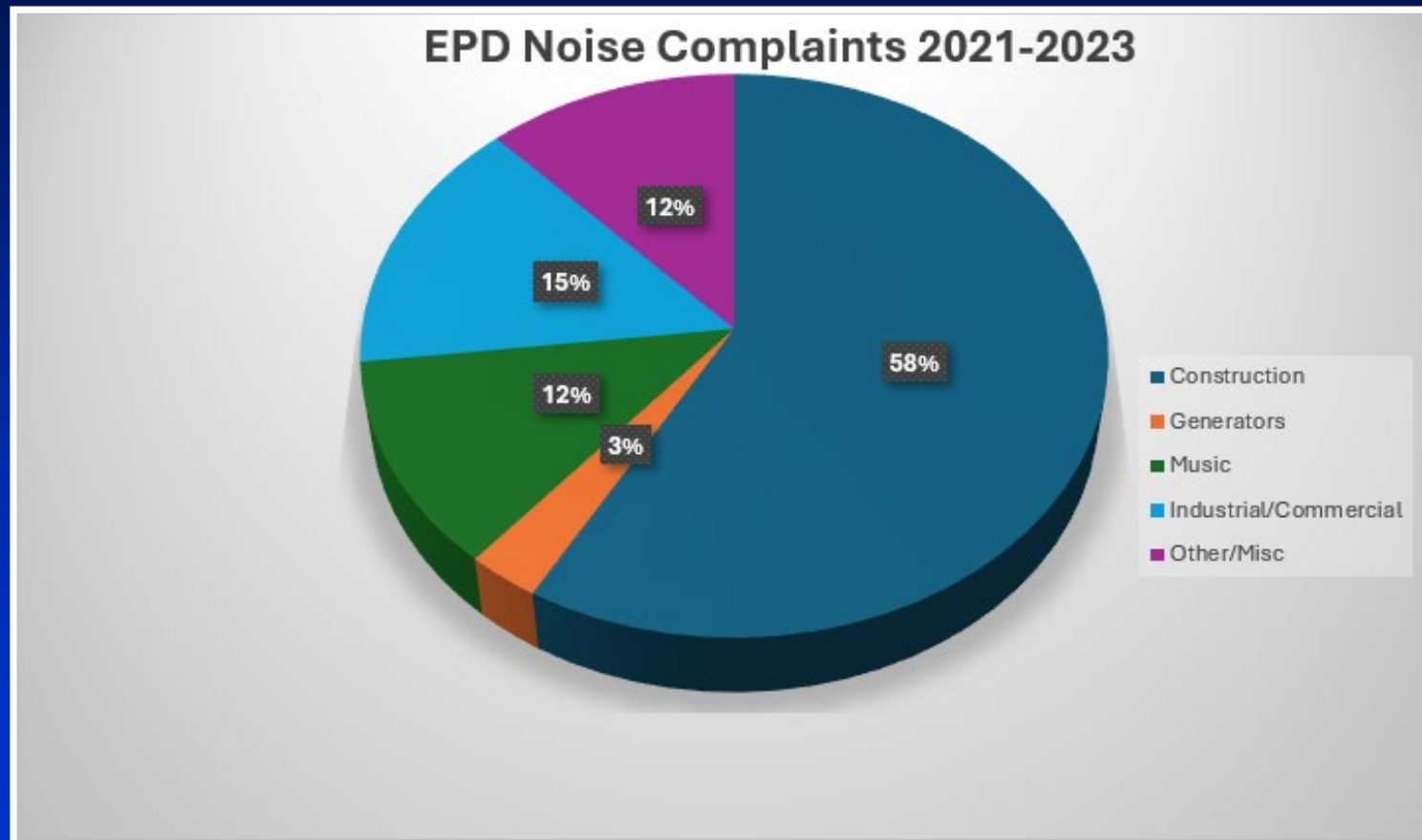
1. Citizen Services Coordinator determines if potential violation exists
2. Warning of Potential Violation letter sent to property owner
3. If additional complaints are received within 30 days, noise meter monitoring is coordinated.
4. Noise data collected and interpreted to verify if violation exists.
 - Noise meter data collection 2-7+ days - depending on case needs
5. Notice of Violation (NOV) letter sent if data indicates violation
6. Offense is punishable by a fine not to exceed \$500



Current Code

Calls for Service - EPD

- Estimated 100 noise complaints received/year
- All resolved with compliance assistance by EPD





Current Code Implementation

■ OCSO Process

1. Deputy responds to noise disturbance call
2. Verbal warning
3. Written warning
4. Enforcement action if noncompliance continues by issuing a civil citation to the violator - if the violator can be located
5. Offense is punishable by a fine not to exceed \$500



Current Code

Calls for Service- OCSO

- Estimated 15,000 noise disturbance calls per year
 - ~85% of noise disturbances related to **residential** complaints
 - (i.e. music, fireworks, vibrations, yelling)
 - ~15% of noise disturbances related to **commercial** complaints
 - (i.e. bars, night clubs, restaurants)
 - ~62% of all noise disturbance calls **unfounded**
 - June 2023 – June 2024: **13** civil citations issued



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- **Noise Ordinance Study**
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Noise Ordinance Study

Phase I – Comparative Analysis



- Compared County ordinance with six Florida Communities and the U.S. EPA Model Noise Ordinance
- Key Observations
 - OC noise tolerance levels are relatively high
 - Definition of Plainly Audible is outdated; largest plainly audible distance limits
 - Distance measurement procedure lacked enforceability
 - Some exemptions needed clarification
 - Definition updates needed



Noise Ordinance Study

Plainly Audible Comparison

County/ Municipality	Source/Land Use	Plainly Audible Standard Distance
Orange	Residential Non-Residential	7am to 10pm at 500 ft. 10:01pm to 6:59am at 150 ft. 7am to 10pm at 500 ft. 10:01pm to 6:59am at 300 ft.
Seminole	Multi-Use	11pm to 7am at 50 ft.
Hillsborough	Multi-Use	All times at 150 ft.
Orlando	Residential Multi-Use	10pm to 7am at 15 ft. 10pm to 7 am at 50 ft.
Winter Park	Multi use outside Multi use inside	10:00 p.m. and 8:00 a.m. at a distance of 50 feet 11:00 p.m. and 8:00 a.m. at a distance of 50 feet
Jacksonville	Multi-Use	25 ft outside of vehicle
Gainesville	Inside vehicle Outside of vehicle	plainly audible at 25 ft at a distance of 200 feet or more from the real property line
EPA Model	Radios, TVs, Instruments Loud Speaker Non-Emergency Signaling Devices	8am to 8pm at 100 ft, 8pm to 8am at 50 ft. 8am to 8pm at 100 ft, 8pm to 8am across real property boundary. All times at 100 ft



Noise Ordinance Study

Phase II – Draft Code Revisions



■ Overview of recommendations

– Primary issues identified

- Updates are needed to assist the Sheriff's Office Deputies as they investigate and enforce noise disturbances using the Plainly Audible Standard
 - Definitions
 - Plainly Audible Standards

– Secondary issues identified

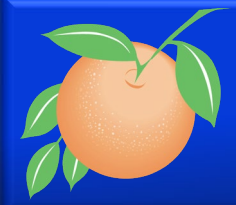
- Updates are needed for EPD inspectors as they investigate and enforce noise disturbances
 - Definitions
 - Exemption/Variance criteria



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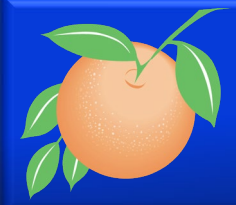




Proposed Revisions

Section 15-180. Terminology, standards and definitions.

- **Added Definitions**
 - Distance measuring device
 - Special Event
 - Unamplified human voice
 - Vehicle

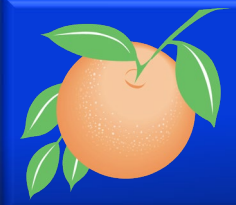


Proposed Revisions

Section 15-180. Terminology, standards and definitions.

■ Updated Definitions

- 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.
- 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.**



Proposed Revisions

Section 15-180. Terminology, standards and definitions.

■ Updated Definitions

- 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.



Proposed Revisions

Section 15-183. Measurement or assessment of noise.

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	7:00 a.m.—10:00 p.m.	500 <u>100</u> feet or more
	10:01 p.m.—6:59 a.m.	150 <u>50</u> feet or more
Nonresidential Area	7:00 a.m.—10:00 p.m.	500 <u>200</u> feet or more
	10:01 p.m.—6:59 a.m.	300 <u>100</u> feet or more

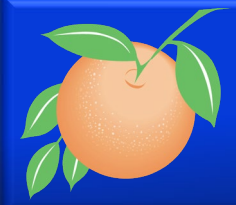
- The investigating officer shall use a distance measuring device to measure distances



Proposed Revisions

Section 15-185. Exemptions.

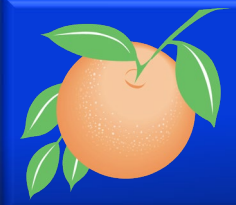
- Lawn maintenance activities, from 7:00 a.m. until ~~10:00~~ **9:00 p.m.**
- **Intermittent testing of generators and emergency equipment between 8:00 a.m. and 6:00 p.m. ...**
- Construction or demolition activities, other than the placement of concrete as described in subsection (13n) below, for which the county has issued a development permit, provided such activity occurs between 7:00 a.m. and ~~10:00~~ **9:00 p.m.**;



Proposed Revisions

Section 15-185. Exemptions.

- 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 10:00 p.m. If placement of concrete 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 the this activity 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. The notice shall be distributed in accordance with the 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;



Proposed Revisions

Section 15-185. Exemptions.

- The supervised public display of fireworks by fair associations, amusement 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 lawful use of fireworks~~
- ~~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, provided that the special event is conducted in accordance with the requirements and conditions of the special event permit.**



Proposed Revisions

Section 15-186. Variances.

- Any person seeking a variance shall submit an application to the environmental protection officer. At a minimum the applicant shall provide the following information:
 - ... **Noise compliance and compatibility study**



Proposed Revisions

Section 15-187. Enforcement/penalty.

Enforcement and penalty summary table added

TABLE 3
ENFORCEMENT AND PENALTY SUMMARY

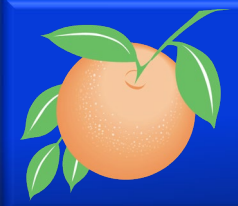
<u>Enforcing Agency</u>	<u>Property Type</u>	<u>Penalty Type</u>	<u>Associated Fine</u>
<u>Orange County Environmental Protection Division (EPD)</u>	<u>Industrial, Commercial, or Residential</u>	<u>Notice of Violation</u>	<u>No fine (written warning only)</u>
		<u>Civil Citation – 1st Offense</u>	<u>\$200</u>
		<u>Civil Citation – 2nd Offense</u>	<u>\$400</u>
		<u>Civil Citation – 3rd Offense (includes mandatory court appearance)</u>	<u>Up to \$500.00 fine or criminal citation</u>
<u>Orange County Sheriff's Office (OCSO)</u>	<u>Residential and Nonresidential</u>	<u>Cease and Desist Violation</u>	<u>No fine (written warning only)</u>
		<u>Civil Citation – 1st Offense</u>	<u>\$200</u>
		<u>Civil Citation – 2nd Offense</u>	<u>\$400</u>
		<u>Civil Citation – 3rd Offense (includes mandatory court appearance)</u>	<u>\$Up to a \$500 fine or criminal citation</u>



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Stakeholder Engagement

- Noise Webpage
- Public
 - Digital Newsletters
 - Demings' Digest
 - Parks Community Newsletter
 - eVIP Volunteer Newsletter
 - Neighborhood Services Community Conference
 - EPC Advisory Board
 - Agricultural Advisory Board
 - PZC/LPA
- Social Media
 - Orange County (internal meetings)
 - Zoning Division
 - Legal (OCAO & OSCO)
 - OCSO NARC Meetings



NOISE Pollution Control Ordinance

Chapter 15 Article V

NOISE DISTURBANCE RESOURCES

Make a
Complaint

Breach of Peace
FL Statute

Contact your
Municipality

Noise Pollution
Control Ordinance

GET INVOLVED: PUBLIC ENGAGEMENT RESOURCES

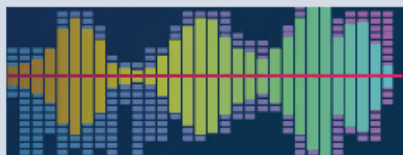
Get Involved

Policy Studies

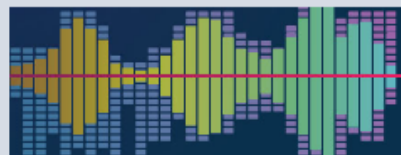
Noise Measurement
Standards Explained

How can we assist you?

Report
a Noise
Issue



2024 Noise
Code Updates -
Get Involved



2024 Noise Code Updates – Get Involved

Recently, several residents expressed concerns regarding the implementation and effectiveness of Orange County's Noise Pollution Control Ordinance, including existing noise standards and enforcement response. We need your input to help propose noise policy changes to the Board of County Commissioners in late 2024.

We Want To Hear From You!

Share an Idea

Attend a Meeting



www.orangecountyfl.net/Environment/Noise.aspx



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Summary

- Complaints relating to excessive noise are increasing.
- Current ordinance has standards that may not always allow for adequate resolution of the issues.
- Noise complaints are handled by several agencies with different processes for resolution or enforcement.
- Study data indicates that changes are needed.
- Proposed revisions intended to improve ordinance effectiveness must be balanced with potential cost and staffing increases.
- Revised Noise Pollution Control Ordinance drafted for expected adoption in February 2025.



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Next Steps – Policy Direction

- **Continue stakeholder engagement**
 - Draft ordinance posted on Noise Webpage for public comment
 - DAB Work Session 11/18/2024
 - PZC/LPA Work Session 11/21/2024
 - EPC Public Hearing 12/04/2024
- **BCC Ordinance Adoption Hearing - February 2025**