

Environmental Protection Division

Chapter 15, Article V. Noise Pollution Control Ordinance

Ag Advisory Board Presentation

August 7, 2024

Presentation Outline

- Purpose and Objective
- Background
- Current Code
- Noise Ordinance Study
- Public Engagement
- Summary
- Next Steps





Purpose and Objective

- During the summer of 2023, the County received an increasing number of noise complaints from residents
- Many described that County efforts to help them have been ineffective or limited
- Commissioner feedback has prompted a review of existing County standards
- Study completed to address public concerns and requests for amendments to standards and enforceability

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Background

- **Chapter 15, Article V. Noise Pollution Control**
 - Originally adopted in 1986
 - Updated in 1995, 2008 and 2014
- **Regulates noise throughout the unincorporated areas**
- **Enforcement is managed by two agencies, depending on the source**
 - Orange County Sheriff's Office
 - Environmental Protection Division





Background

- Regulation and management of excessive noise is critical to the quality of life for our residents, businesses and visitors
- Typical noise complaints from citizens
 - Loud music, barking dogs and other animals, screeching tires, street racing, loud mufflers, and construction site noise near residential areas
- Complaints are received through a variety of mechanisms
 - 311 (calls assigned to EPD or OCSO)
 - EPD (emails / webpage portal / complaint hotline)
 - OCSO
 - Commissioner's Office



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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:

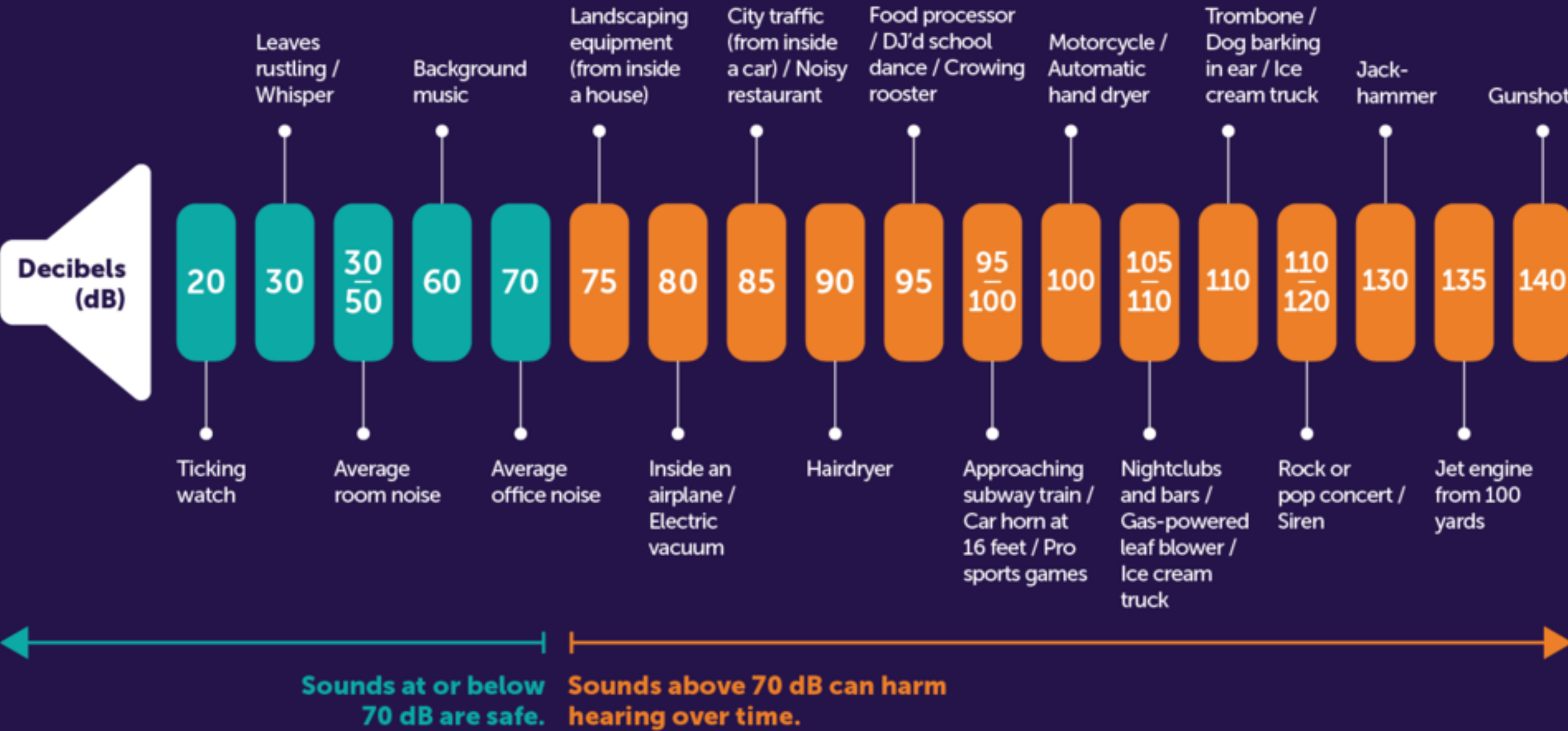
- Definitions
- Maximum permissible sound levels
- Land use categories, times, and measurement descriptors
- SOP’s for measuring noise
- Exemptions and variances
- Enforcement process



Current Code

- **Noise disturbance is measured in several ways**
 - **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.
 - **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.

NOISE LEVELS





Current Code

- **Noise disturbance is measured in several ways**
 - **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

■ 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 (dB=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

▪ EPD Process

- Citizen services coordinator determines if potential violation exists
- Warning of Potential Violation letter sent to property owner
- If additional complaints received within 30 days, noise meter monitoring set up
- Data collected and interpreted to verify if violation occurred
 - Noise meter data collection 2-7+ days - depending on case needs
- Notice of Violation letter sent if data indicates violation

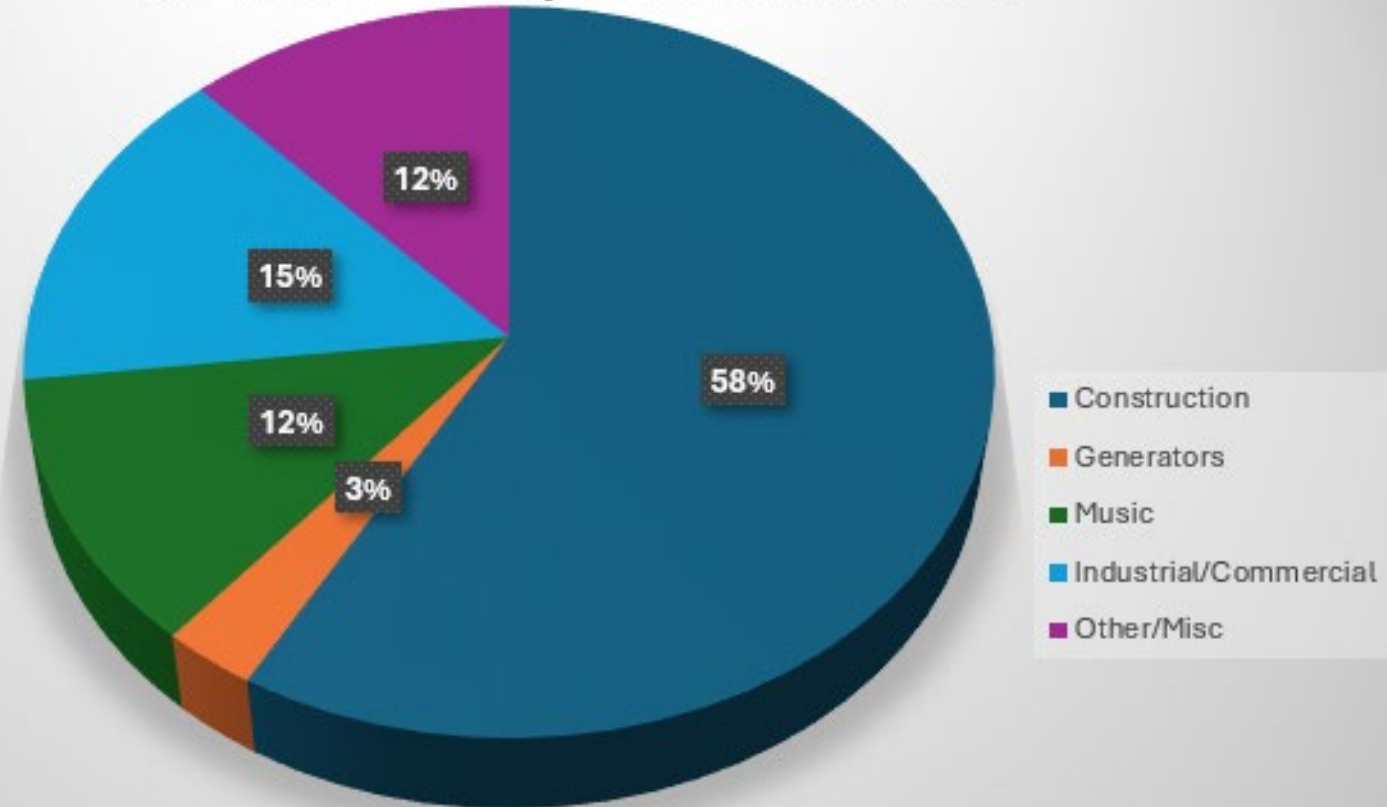
June 2023 – June 2024: 42 warning letters sent



Calls for Service

EPD Noise Complaints

EPD Noise Complaints 2021-2023



- Total calls received/assessed: 252
- Calls forwarded to OSCO: 10

■ 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

■ OCSO Process

- Officer responds to complaint
- Provides a verbal warning (educate first - gain compliance prior to issuing citation for violation)
- Enforcement action if noncompliance continues by issuing a citation to the violator - if the violator can be located
- Offense is punishable by a fine not to exceed \$500

June 2023 – June 2024: 13 civil citations issued

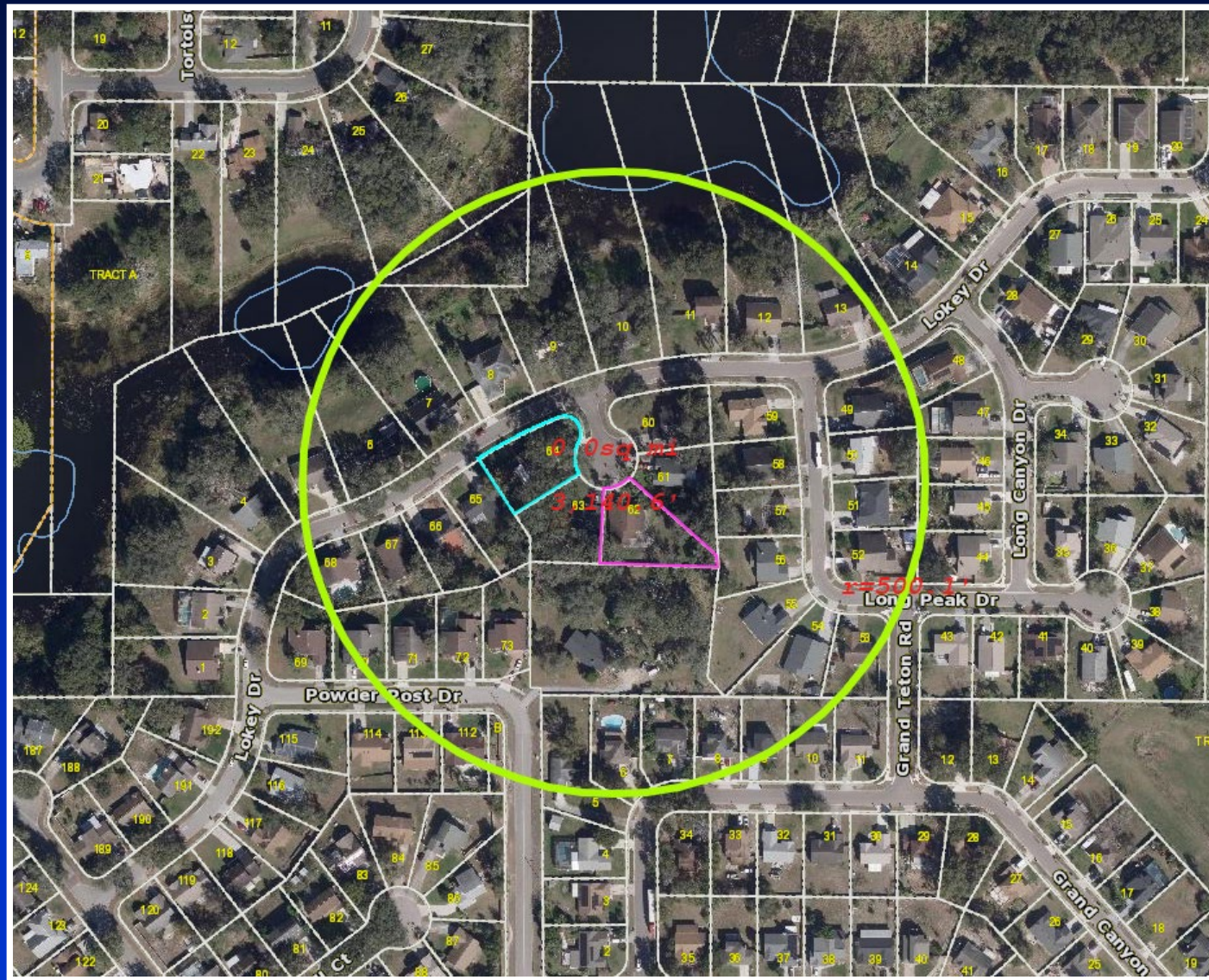


Sheriff's Office Case Example

**Complainant property
outlined in blue**

**Noise source
outlined in pink**

**500 foot Plainly Audible
setback outlined in green**



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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
 - Need clearer and more enforceable standards
 - Ordinance lacked comprehensive noise limits for various sources. (i.e. industrial, commercial)
 - Definitions outdated
 - Plainly Audible, Sound level meter
 - Reassess distance measurement standards for Plainly Audible Standard
 - Add noise limits for lawn and property maintenance equipment



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
 - Standards

– Secondary issues identified

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

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Public Engagement

- **Noise Webpage**

- **Public Meetings**

- EPC
- Ag Advisory Board
- PZC/LPA – November 2024
- Digital Newsletters
 - Mayor's Digest
 - Parks'
 - eVIP
- October Community Conference

- **Social Media**

- **County (internal meetings)**

- Zoning
- Legal (OCAO & OCSO)
- 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

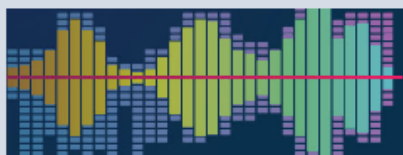
Get Involved

Policy Studies

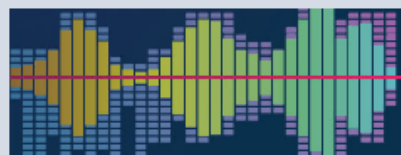
Noise Measurement
Standards Explained

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



Background- Stakeholder Comments Received

Comment/Concern	Code /Florida Statute	Evaluate
Address illegally modified exhaust systems	Sec. 316.293 F.S., Motor vehicle noise	N
Residents setting off fireworks after midnight - establish specific time ranges for fireworks use	Sec. 791.08, F.S. Use during designated holidays; exemption. (1) “designated holiday” means: (a) New Year’s Day; (b) Independence Day, or (c) New Year’s Eve. Chapter 15, Article V. Exemption	N
High Levels of noise from expressway affecting sleep - Implement noise barriers or other mitigation strategies	Sec. 335.17, Florida Statutes (F.S.), FDOT project must be in compliance with federal standards (23 CFR Part 772) and include the noise standards mandated by 23 U.S.C. § 109(1).	N
Improve OCSO response time and enforcement mechanisms OCSO	Chapter 15 Article V, Noise Pollution Control Ordinance	Y
Plainly audible standard should be reduced to 300 feet- concerns about firearm discharges at night	Chapter 15 Article V, Noise Pollution Control Ordinance	Y
Limit timeframe to 10pm for leaf blowers and lawn mowers on zero lot line properties	Chapter 15 Article V, Noise Pollution Control Ordinance	Y

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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 two agencies with different processes for resolution or enforcement
- Study data indicates that changes are needed
- Proposed changes to increase ordinance effectiveness must be balanced with potential cost and staffing increases
- Agricultural activities not evaluated under study- Right to Farm Act

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Next Steps

- Continue stakeholder engagement
- Finalize draft ordinance
- Board Work Session set for September 10, 2024