

Environmental Protection Division

Chapter 15, Article V Noise Pollution Control Ordinance

EPC Meeting

September 25, 2024

Presentation Outline

- Purpose
- Background
- Current Code & Implementation
- Noise Ordinance Study
- Public Engagement
- Summary
- Next Steps





Purpose

- **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 prompted a review of existing County standards**
- **Study completed to address public concerns and requests for amendments to standards and enforceability**
- **Present proposed revisions to noise ordinance**

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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**
 - Orange County Sheriff's Office
 - Environmental Protection Division



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▪ 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:

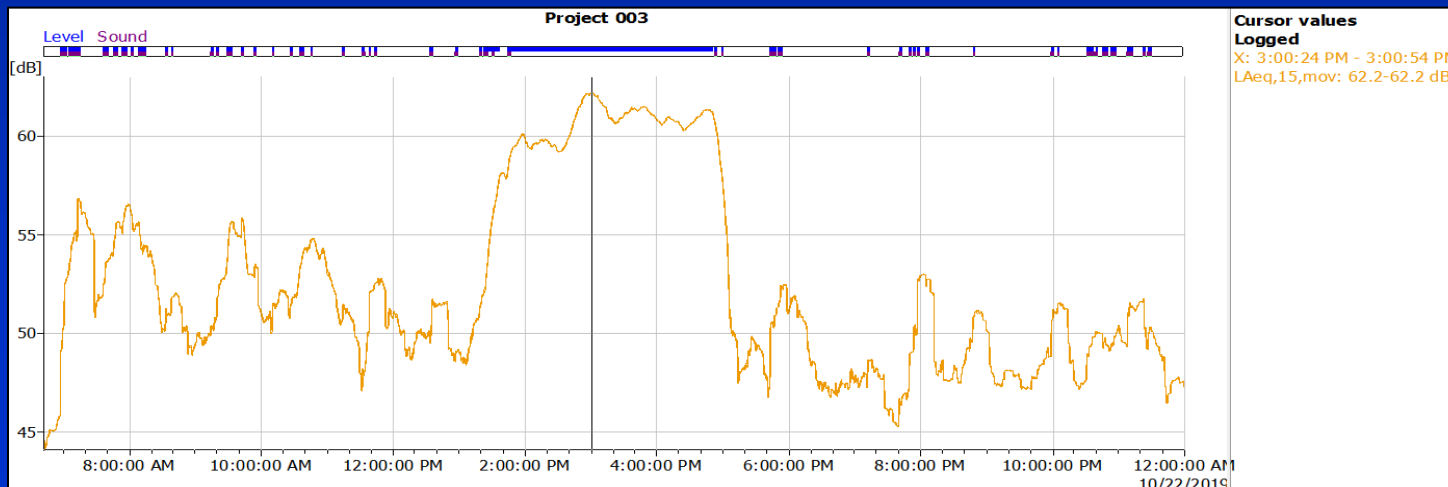
- Definitions
- Maximum permissible sound levels
- Land use categories, times, and measurement descriptors
- SOP’s for measuring noise
- Exemptions and variances
- Enforcement process



Current Code

Noise 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 (dB=decibels) time weighted average.

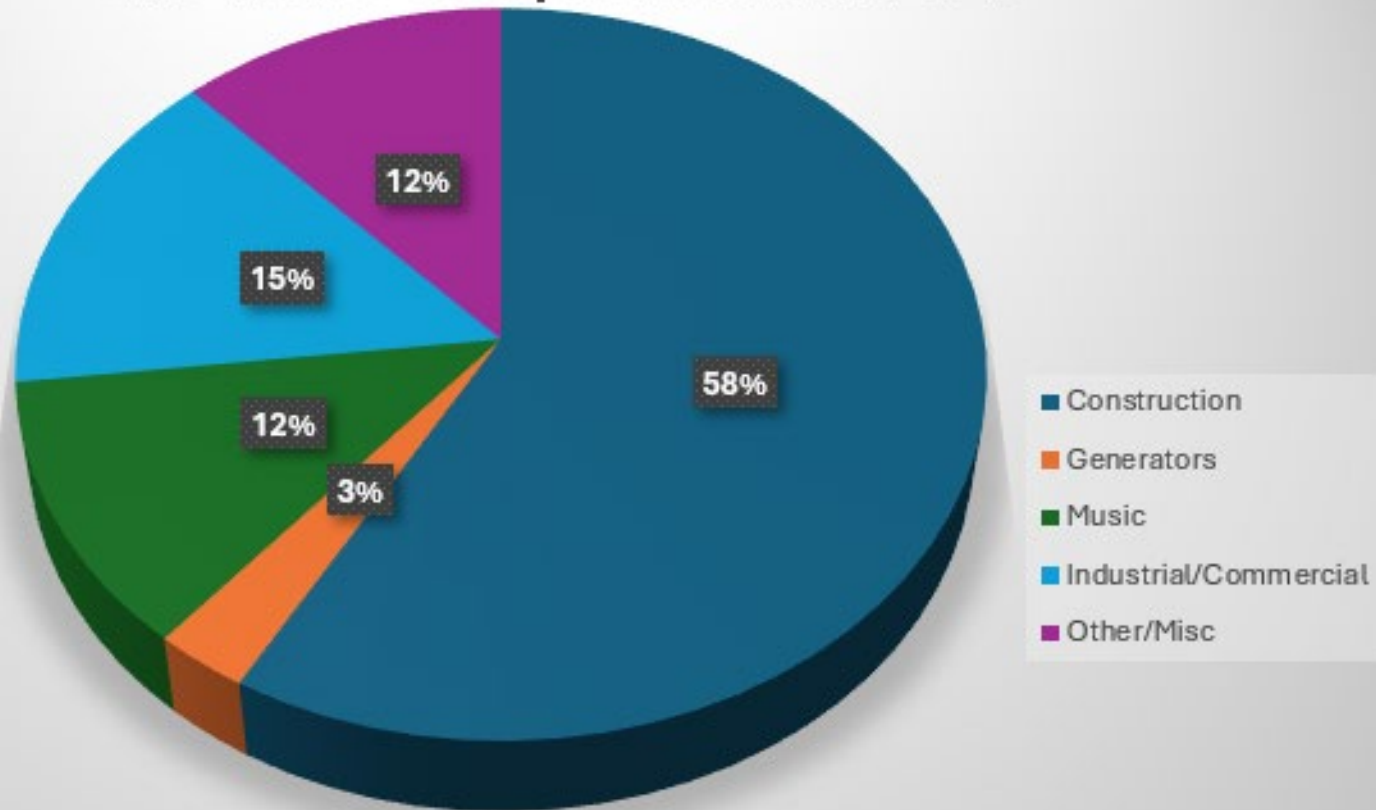
| Land Use Category | Measurement | Time of Day | Sound Level Limit (dBA) |
|----------------------|---------------------|------------------------|-------------------------|
| Noise Sensitive Zone | Time Averaged (LEQ) | Any time | 55 dB |
| | Impulsive | 7:00 a.m. - 10:00 p.m. | 60 dB |
| | Impulsive | 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 |



Current Code

Calls for Service - EPD

EPD Noise Complaints 2021-2023



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



Current Code Implementation

▪ 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 (NOV) letter sent if data indicates violation
- Offense is punishable by a fine not to exceed \$500

June 2023 – June 2024: **42** Warning Letters issued, **0** NOVs issued

- **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 |

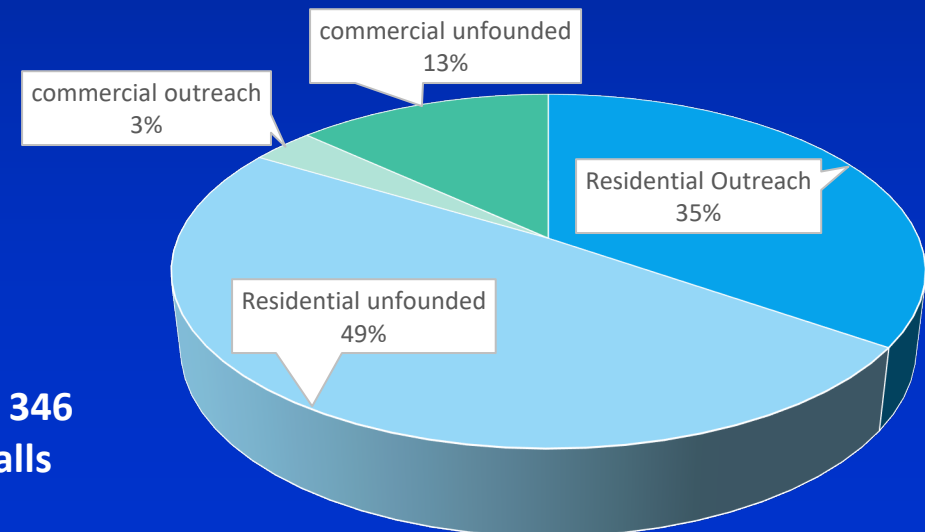


Current Code

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)

OCSO Noise Resolution – Thanksgiving Week 2023



Total weekly ~ 346
~11% repeat calls
0 citations



Current Code Implementation

■ OCSO Process

- Officer responds to complaint
- Verbal warning (educate first - gain compliance prior to issuing citation for violation)
- Written warning
- Enforcement action if noncompliance continues by issuing a civil 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

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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; reassess distance measurement standards for potential adjustment
 - Add noise limits for lawn and property maintenance equipment
 - Ordinance lacked comprehensive noise limits for various sources. i.e. industrial, commercial and other land uses
 - Definition updates needed
 - Need clearer and more enforceable standards



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
 - Standards

– Secondary issues identified

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



Noise Ordinance Study

Primary Code Changes

- **Proposed update to standards**
 - **Plainly Audible Standard distance reductions**
 - Residential Area
 - Daytime hours 500 ft to 100 ft
 - Nighttime hours 150 ft to 50 ft
 - Nonresidential Area
 - Daytime hours 500 ft to 200 ft
 - Nighttime hours 150 ft to 100 ft
- **Justification - This update is recommended based on data found in other codes statewide & EPA Model.**



Noise Ordinance Study

Primary Code Changes

- Proposed updates to terminology
 - **Plainly Audible Standard definition:** Updated to change from “noise or noise disturbance” to “any sound” produced or reproduced by any source that can be heard by a person using his/her normal hearing faculties.
- Justification - This update is needed to provide greater flexibility and clarity to officers assessing noise disturbances in the field.



Noise Ordinance Study

Primary Code Changes

- Proposed new definition needed
 - **Plainly Audible Standard distance measuring device** - “GPS software or phone application (such as Google Maps, Google Earth, or similar), measuring wheel, counting paces, speed measurement device (such as that used by law enforcement), or other means or methods to reasonably estimate distance.
- Justification - This definition is needed to assist officers in the field in determining the point at which an assessment can be made. Provides critical evidence if citation is challenged. Aides in defense with State Attorney.



Noise Ordinance Study

Secondary Code Changes

- Proposed updates to Code terminology, standards, definitions
 - **Noise or noise disturbance** 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. Noise includes, but is not limited to, low frequency sounds caused by amplified bass music that can induce vibration in building structures or human beings.
- Justification – Including low frequency sounds helps protect public health, preserve property, and enhance the overall quality of life in the community .



Noise Ordinance Study

Secondary Code Changes

- Proposed updates to Code terminology, standards, definitions
 - **Vehicle** shall mean any means in or by which someone travels or something is carried or conveyed. This includes, but is not limited to, cars, trucks, trailers, and motorcycles.
- Justification – Defining what constitutes a “vehicle” ensures that the ordinance is clear and specific. This helps in avoiding any ambiguity about what types of noise sources are regulated under the ordinance.



Noise Ordinance Study

Secondary Code Changes

- **Proposed updates to Code exemptions**
 - Lawn maintenance activities change from 7am to 10pm to 7am to 9pm
 - Construction or demolition activity - change from 7am to 10pm to 7am to 9pm
 - Generators and emergency equipment testing added between hours of 8am to 6pm
 - Reference to County-approved Outdoor Special Events permits

- **Justification – Promotes Community Well-being.** Reducing noise pollution during evening hours can improve the overall quality of life in residential areas.



Noise Ordinance Study

Secondary Code Changes

- **Proposed updates to Code variance requirements**
 - Noise compliance compatibility study is now added as a component to be provided in application for requesting variances from noise regulations
- **Justification – Ensure that any new development or changes will not negatively impact the surrounding environment and community. Opportunity to ensure noise abatement practices are in place.**



Noise Ordinance Study

Secondary Code Changes

- Proposed updates to Code enforcement penalties
 - Added **Table 3 Enforcement and Penalty Summary** table to display the enforcing agency, property type, notice of violation or citation penalty type and associated fines
- Justification – Table presents information in a structured and organized manner, making it easier to understand at a glance. Allows quick reference to key enforcement rules without having to read through lengthy text descriptions. Penalties set at maximum fine already.



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Stakeholder Engagement

- Noise Webpage
- Public
 - EPC Advisory Board
 - Agricultural Advisory Board
 - Digital Newsletters
 - Demings' Digest
 - Parks Community Newsletter
 - Neighborhoods
 - eVIP Volunteer Newsletter
 - HOA lists
 - Division of Building Safety
- BCC Work Session - September 10, 2024
- October Community Conference
- Social Media



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

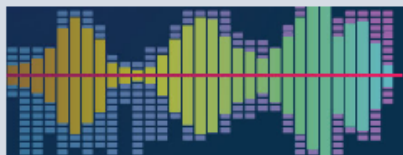
Get Involved

Policy Studies

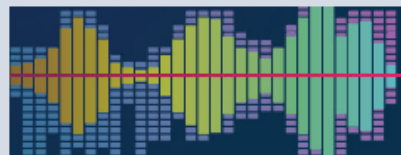
Noise Measurement
Standards Explained

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 warranted
- Proposed changes to increase ordinance effectiveness must be balanced with potential cost and staffing increases
- Noise Ordinance Review team will continue stakeholder engagement and finalize draft ordinance over the next months

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Next Steps

- **October 2024 - OCAO to prepare Draft Ordinance**
 - Additional legal research on regulating noise from boats ongoing
- **November 2024 – December 2024**
 - DAB
 - EPC Work Session
 - PZC/LPA Work Session
- **Additional BCC Work Session (if needed)**
- **BCC Ordinance Adoption Hearing *February 2025***