

Board of County Commissioners

Chapter 15, Article V Noise Pollution Control Ordinance

Work Session

September 10, 2024

1

1



Presentation Outline

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



2

2



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 and seek Board direction**

3

3



Presentation Outline

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4

4



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



**ORANGE COUNTY
SHERIFF'S OFFICE**



5

5



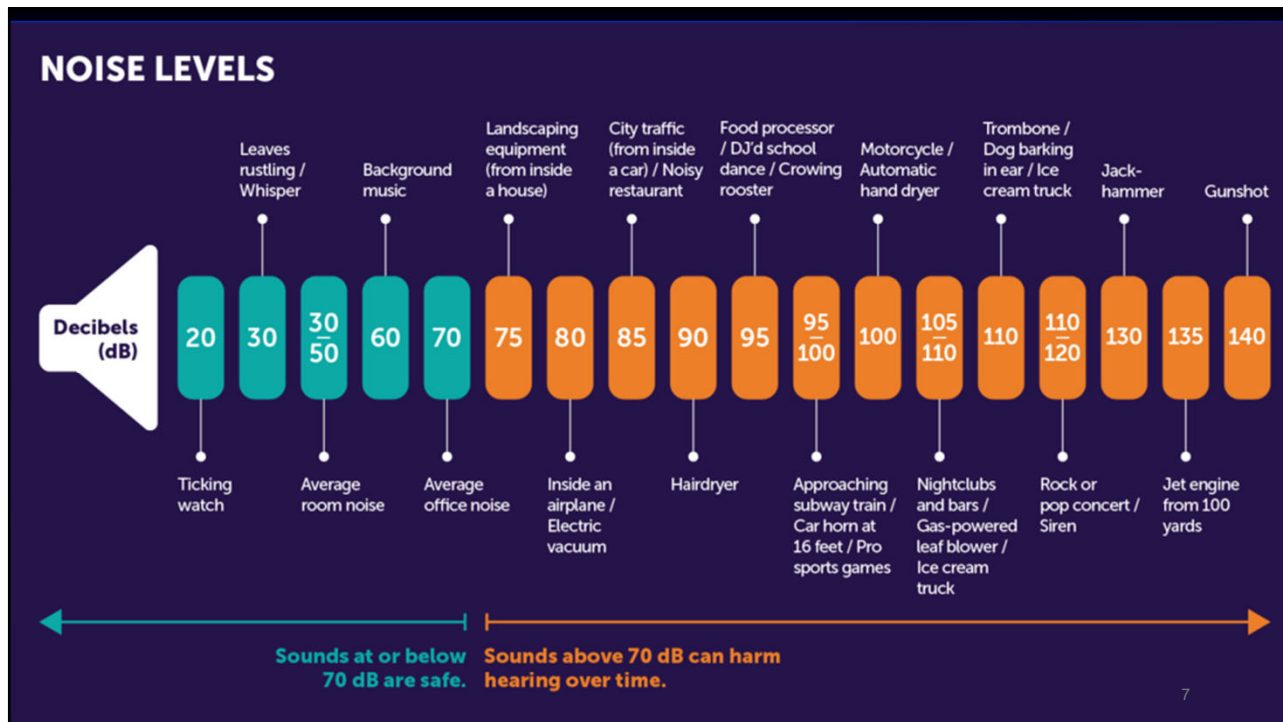
Background

- **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, 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)
 - Commissioner's Office
 - OCSO
 - EPD



6

6



7

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8



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

9

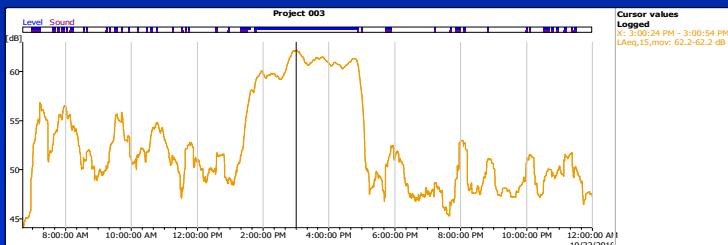
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Current Code Noise Measurement

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.



10



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.

11

11



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

12

12



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

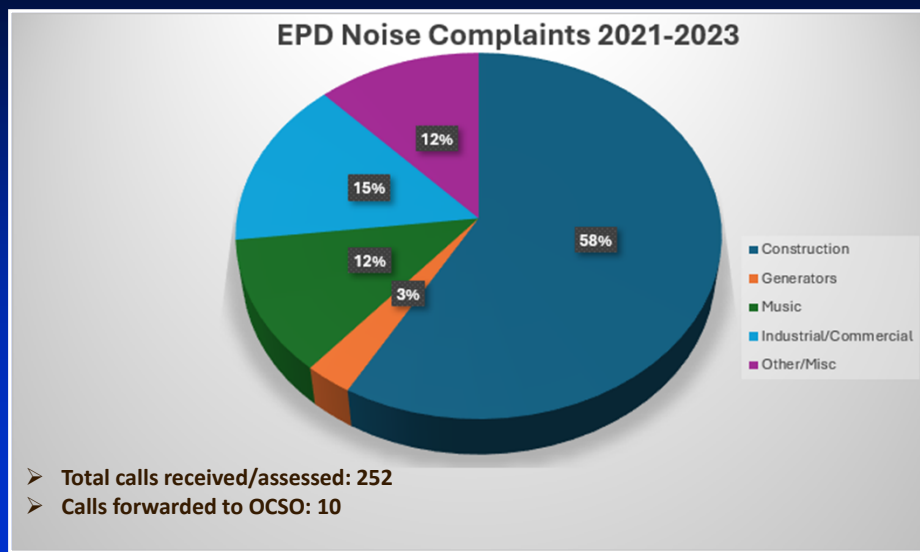
Land Use Category	Measurement	Time of Day	Sound Level Limit (dBA)
Noise Sensitive Zone	Time Averaged (LEQ)	Any time	55 dB
	Impulsive	7:00 a.m. - 10:00 p.m.	60 dB
	Impulsive	10:01 p.m. - 6:59 a.m.	Not allowed
Residential Area	Time Averaged (LEQ)	7:00 a.m. - 10:00 p.m.	60 dB
	Time Averaged (LEQ)	10:01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

13

13



Current Code Calls for Service - EPD



14

14



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** NOV¹⁵s issued

15



Current Code Implementation

▪ 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

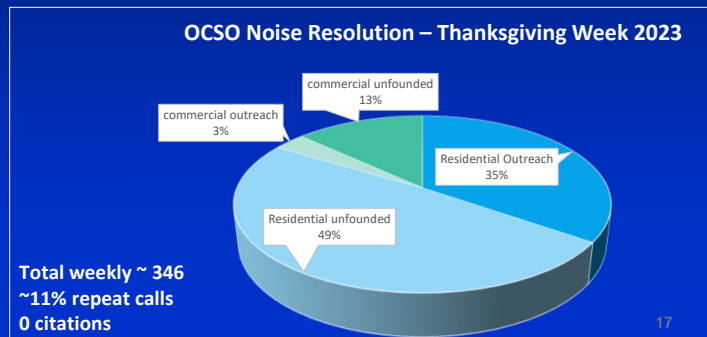
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16



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)



17



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

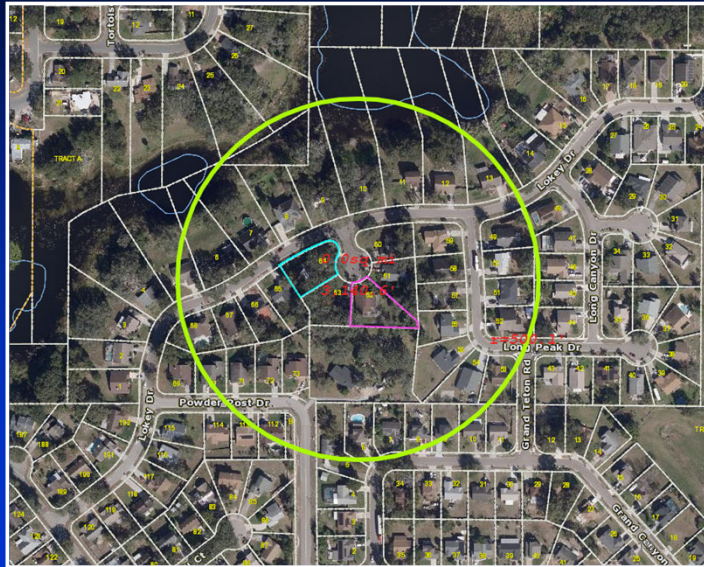
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18



Sheriff's Office Case Example

- Complainant property outlined in blue
- Noise source outlined in pink
- 500' Plainly Audible setback outlined in green
- No violation of current code

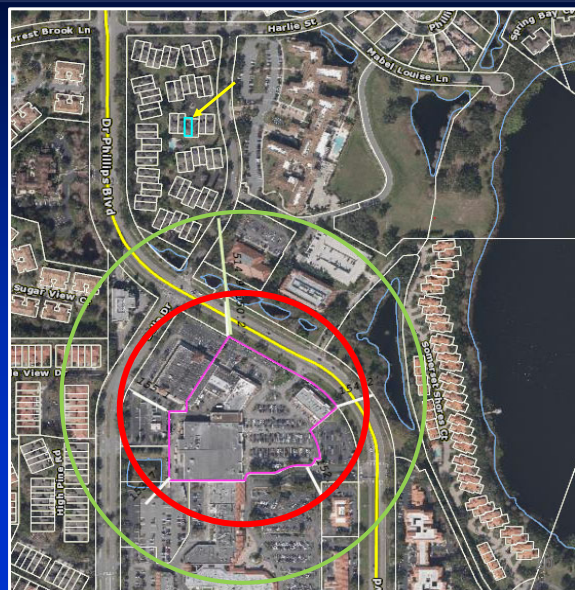


19



EPD/Sheriff Office Case Example

- Complainant property outlined in blue
- Noise source outlined in pink
- Plainly Audible setback
 - 150' outlined in red
 - 500' outlined in green
 - Citations issued



20



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- **Noise Ordinance Study**
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21

21



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

22

22



Noise Ordinance Study

Plainly Audible Comparison

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

23

23



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

24

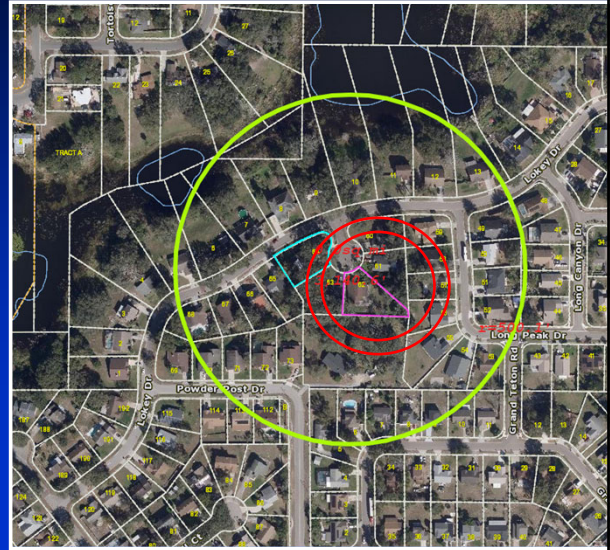
24



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.



25



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.

26

26



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.

27

27



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 .

28

28



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.

29

29



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.

30

30



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.

31

31



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.

32

32



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33

33

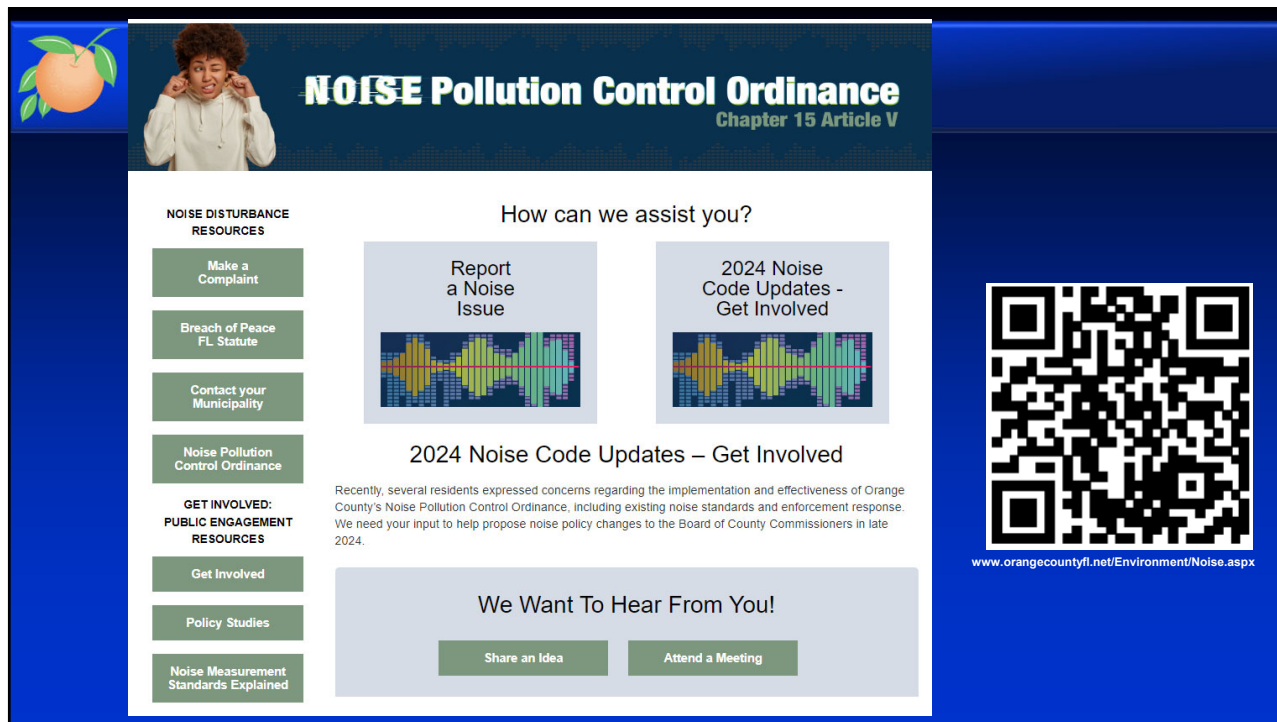


Stakeholder Engagement

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

34

34



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.

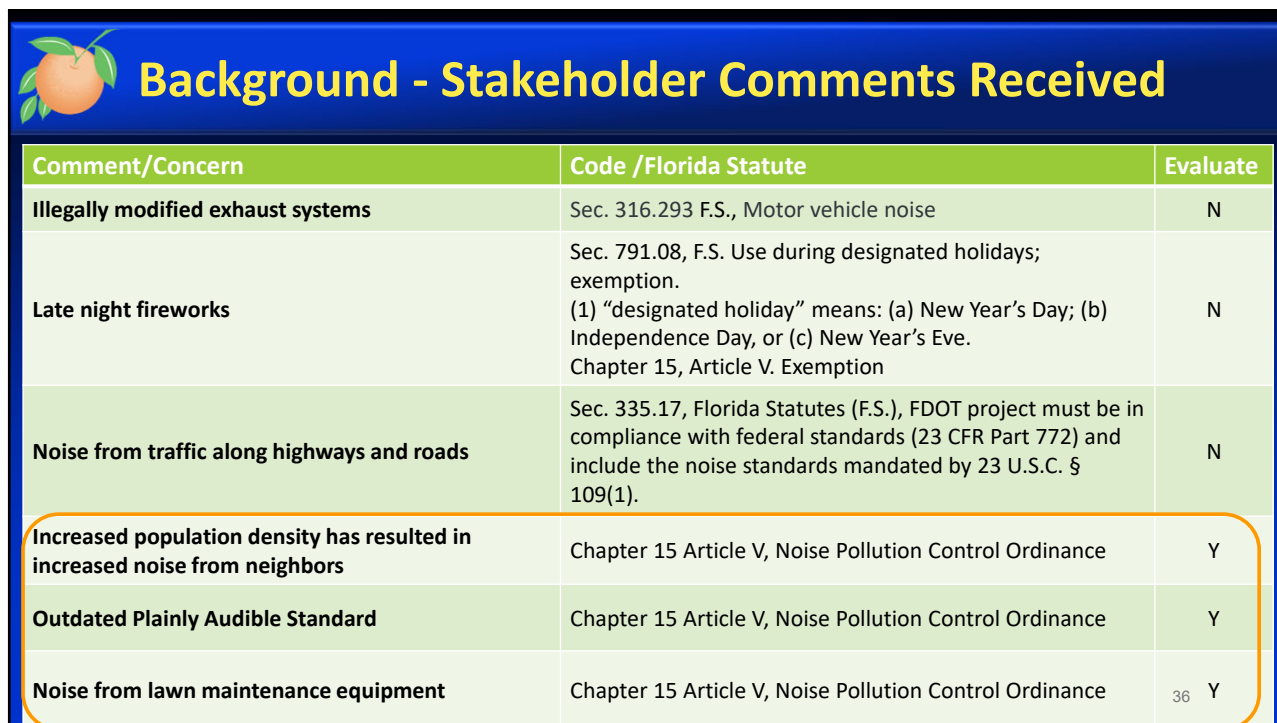
We Want To Hear From You!

- Share an Idea
- Attend a Meeting



www.orangecountyfl.net/Environment/Noise.aspx

35



Background - Stakeholder Comments Received

Comment/Concern	Code /Florida Statute	Evaluate
Illegally modified exhaust systems	Sec. 316.293 F.S., Motor vehicle noise	N
Late night fireworks	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
Noise from traffic along highways and roads	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
Increased population density has resulted in increased noise from neighbors	Chapter 15 Article V, Noise Pollution Control Ordinance	Y
Outdated Plainly Audible Standard	Chapter 15 Article V, Noise Pollution Control Ordinance	Y
Noise from lawn maintenance equipment	Chapter 15 Article V, Noise Pollution Control Ordinance	³⁶ Y

36



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37

37



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 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 based on BCC direction

38

38



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39

39



Next Steps – Policy Direction

- OCAO to prepare Draft Ordinance based on board direction
- September 2024 – November 2024
 - EPC Work Session
 - DAB
 - PZC/LPA Work Session
- BCC Work Session if needed
- BCC Ordinance Adoption Hearing pending Board Direction

40

40