

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 in the years of 1995, 2008, and 2014; and

WHEREAS, the Board desires to further amend the Noise Control Ordinance to amend definitions, the 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.**

42 This article is enacted pursuant to Article II, § 7, Florida  
44 Constitution, which provides that adequate provision shall be made  
46 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.

48 **Sec. 15-178. Scope.**

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

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

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

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

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

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

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

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

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

92 (a) *Terminology and standards.* All technical acoustical  
94 terminology and standards used in this article that are not defined in  
96 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.

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

104 (1) *A-weighted sound pressure level* shall mean the sound  
106 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).

108 (2) *ANSI* shall mean the American National Standards  
110 Institute, Inc.

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

116 (4) *Breach of the peace* shall mean as defined in F.S. §  
118 877.03.

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

124 (6) *Decibel* or *dB* shall mean a unit for describing the  
126 amplitude of sound, equal to twenty (20) times the  
logarithm to the base ten (10) of the ratio of the pressure  
128 of the sound measured to the reference pressure, which  
is twenty (20) micronewtons per square meter.

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

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- (8) *Demolition* shall mean any dismantling, destructing or razing of structures, utilities, public or private thoroughfares, or similar property.
- (9) *Distance measuring device* shall mean an electronic device that utilizes global positioning (GPS) software 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.
- (10) *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.
- (11) *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.
- (12) *Environmental protection officer* shall mean the county environmental protection officer, as defined in this chapter, or his/her designee.
- (13) *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.
- (14) *Impulsive sound* shall mean a sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, or pile driver impacts.
- (15) *Intermittent sound* shall mean a sound of greater than one second duration and less than fifteen (15) minutes. Examples of sources of intermittent sound are air

178 compressors, heating and air conditioning units and PA  
180 speakers.

182 (16) *Investigating officer* shall mean the Orange County  
184 Sheriff or duly authorized Orange County Deputy  
186 Sheriff.

188 (17) *Motor vehicle* shall mean any vehicle defined as “motor  
190 vehicle” by F.S. § 320.01(1).

192 (18) *Noise* or *noise disturbance*, for purposes of this article,  
194 shall mean any sound produced in such quantity and for  
196 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.

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

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

212 (21) *Plainly audible* shall mean any sound produced or  
214 reproduced by 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  
216 property line or right-of-way line of the source of the  
sound. When the particular sound or noise involves  
218 words or phrases, sound or noise may be deemed as  
“clearly heard” even though the investigating officer  
220 cannot determine the specific words or phrases being  
uttered or produced. The detection of a rhythmic bass  
222 vibrating component of music or type of noise

disturbance is sufficient to constitute a plainly audible sound or noise.

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- (22) *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.
- (23) *Public right-of-way* shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by the state, county, or municipality.
- (24) *Residential area* shall mean an area of unincorporated Orange County that predominantly includes residential properties, i.e., single-family and multifamily dwellings, townhouses or timeshare condominiums.
- (25) *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.
- (26) *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.
- (27) *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.

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

274 (29) *Sound pressure level* shall mean a twenty (20) times the  
276 logarithm to the base ten (10) of the ratio of the root  
mean square sound pressure to the reference pressure of  
278 twenty (20) micronewtons per meter squared. The sound  
pressure level is denoted Lp (or SPL) and is expressed in  
280 decibels.

282 (30) *Special event* shall mean an event for which the County  
has issued a special event permit, as defined in chapter  
284 38 of the Orange County Code, as it may be amended,  
renumbered or replaced, that is subject to certain  
286 requirements and conditions, including conditions for  
limitations on the hours and sound produced by the  
288 event, such as an Outdoor Public Assembly Permit,  
Block Party Permit, Special Outdoor Event Permit and  
290 similar special event permits.

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

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

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

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

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

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

312 (d) The provisions and prohibitions contained in this article  
314 are enacted in pursuance of and for the purpose of securing and

316 promoting the public health, safety, welfare and quality of life in the  
318 county for its inhabitants.

320 **Sec. 15-182. Maximum permissible sound levels; land use  
322 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</i>
Noise Sensitive Zone	Time Averaged (Leq)	Any time	55 dBA
	Impulsive	7:00 a.m.—10:00 p.m.	60 dBA
	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 dBA
	Time Averaged (Leq)	10:01 p.m.—6:59 a.m.	55 dBA
	Impulsive	7:00 a.m.—10:00 p.m.	65 dBA
	Impulsive	10:01 p.m.—6:59 a.m.	Not allowed

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

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

- 328 (1) Sound shall be measured with an integrating-averaging  
330 sound level meter satisfying at least the applicable  
332 requirements for a Type 2 meter or better, as specified in  
334 the American National Standard Institute publication  
336 entitled, “Specifications for Integrating-Averaging  
338 Sound Level Meters” designated as ANSI standard S1.1-  
340 2013.
- (2) Calibration of all instruments, components, and  
342 attachments shall conform to the latest ANSI standards.
- (3) Measurements of sound under this subsection shall be  
344 made by individuals trained in a noise measurement  
346 program approved by the county.
- (4) Sound shall be measured outdoors, no closer than the  
nearest noise sensitive zone or residential area property  
line.



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

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

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

376 TABLE 2  
 378 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.	100 feet or more
	10:01 p.m.—6:59 a.m.	50 feet or more
Nonresidential Area	7:00 a.m.—10:00 p.m.	200 feet or more
	10:01 p.m.—6:59 a.m.	100 feet or more

- 380 (2) Sounds in violation of subsection 15-183(b)(1) shall be  
 382 confirmed by the investigating officer. The investigating  
 officer who hears a sound that may be plainly audible  
 384 shall assess the sound by measuring the distance from  
 the property line or right-of-way line of the source of the  
 sound by measuring the distance from the property line  
 386 or right-of-way line of the source of the sound to a  
 distance that exceeds the distance requirement of the

388 plainly audible standard sound limits in subsection 15-  
390 183(b)(1). The investigating officer shall measure such  
392 distance, according to the following standards, to  
determine whether the sound constitutes a noise  
disturbance:

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

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

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

410 **Sec. 15-184. Prohibited acts.**

412 Subject to the provisions of sections 15-185 and 15-186, no  
414 person shall produce, cause to be produced, or allow to be produced,  
416 by any means, any noise disturbance on any private or public  
property, including a right-of-way, when such noise is plainly  
418 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.

420 **Sec. 15-185. Exemptions.**

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

426 (a) Lawn maintenance activities, from 7:00 a.m. until 9:00  
p.m.;

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

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

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

436 (e) Law enforcement activities, including training;

438 (f) Emergency signals during emergencies;

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

444 (h) Emergency work or emergency service;

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

448 (j) Intermittent testing of generators and emergency  
equipment between 8:00 a.m. and 6:00 p.m., consisting of no more  
450 than two intermittent periods of 20 minutes each for testing within  
any consecutive two hour period of time, with the exception that  
452 temporary generators that are used to provide electrical power  
during an electrical power outage are exempt from such time  
454 limitations, provided that the generator or emergency equipment is  
operated in accordance with the manufacturer's specifications, with  
456 all standard equipment, and is in proper operating condition;

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

460 (l) Refuse collection vehicles, including street sweepers,  
462 while in the process of performing their intended activities;

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

468 (n) Placement of concrete associated with nonresidential  
470 development activities, for which the county has issued a  
development permit, when conducted between 3:00 a.m. and 10:00  
472 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  
474 sensitive zones within a maximum period of no more than fourteen  
(14) calendar days and a minimum period of forty-eight (48) hours'  
476 notice prior to commencement of the scheduled date of the  
placement of concrete. No more than one alternative date for the  
478 scheduled date of the placement of concrete shall be provided in  
such notice. The notice shall be distributed in accordance with the

480 policies and procedures established by the Environmental Protection  
482 Division. A copy of the notice and distribution list shall be provided  
prior to commencement of such concrete placement activity;

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

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

490 (q) The supervised public display of fireworks by fair  
492 associations, amusement parks, and other organizations or groups of  
individuals under the authority of and in compliance with public  
494 assembly permits issued by the county and other applicable  
requirements of law;

496 (r) Unamplified human voice;

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

504 (t) A special event, as defined in this article, provided that  
the special event is conducted in accordance with the requirements  
506 and conditions of the special event permit.

508 **Sec. 15-186. Variances.**

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

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

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

- 526 (1) Identification of applicant;
- 528 (2) Applicant's mailing address;
- 530 (3) Legal description of property from which the sound will  
532 emanate;
- 534 (4) Description of source of sound;
- 536 (5) Description of sound;
- 538 (6) Names and addresses of all abutting property owners;
- 540 (7) Facts and reasons justifying a variance; and
- 542 (8) Noise compliance and compatibility study.

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

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

562 (f) At the hearing, the applicant may submit any relevant  
564 evidence or testimony. In deciding whether to grant or deny the  
566 application, the environmental protection officer shall consider the  
568 hardship which will result to the applicant, the community, and other  
570 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.

572 **Sec. 15-187. Enforcement/penalty.**

574 (a) It shall be unlawful for any person to violate any  
576 provisions of this article, or any provisions of any resolution enacted  
578 pursuant to this article. The provisions of this article may be  
580 enforced by issuance of a letter of warning, a notice of violation,  
582 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.

584 (b) When a complaint is investigated by the environmental  
586 protection officer, pursuant to subsection 15-179(c), and a  
determination is made that a violation of this article has occurred  
588 without the issuance of the appropriate variance or special event  
permit as provided in sections 15-186 and 15-187 of this article, or  
590 not in accordance with this article, the environmental protection  
officer shall promptly issue a letter of warning, written notice of  
592 violation, or civil citation. If and when issued, a civil citation shall  
be issued pursuant to the requirements provided at F.S. § 162.21,  
594 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  
596 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). All such  
598 fines are shown in Table 3 in subsection 15-187(f). If and when  
issued, a notice of violation shall include a description of the site  
600 where the violation has occurred, cite the provisions of this article  
and other applicable laws that have been violated, and set forth the  
602 required remedial action or actions to be taken as deemed reasonable  
and necessary by the county. Such remedial action may include:

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

614 (c) (1) When a noise complaint is received and referred to the  
616 investigating officer for investigation, pursuant to subsection 15-  
179(d), and upon personal investigation the investigating officer

618 finds probable cause to believe the owner or operator of the real  
620 property at issue is in violation of this article, the investigating  
officer may issue a written warning to cease and desist the violation.

622 (2) If the owner or operator of the real property does not take  
624 corrective action regarding such a cease and desist  
warning within a reasonable time, which is defined to be  
626 five minutes or less, or if the noise or sound is abated  
after the warning and then reoccurs within one hundred  
628 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  
630 amount not to exceed five hundred dollars (\$500.00).

632 (3) Upon determination that a violation of this article has  
occurred, the investigating officer may issue a civil  
634 citation pursuant to the requirements provided at F.S. §  
162.21, which shall be punishable by a fine of two  
636 hundred dollars (\$200.00) for the first offense and four  
hundred dollars (\$400.00) for the second offense. A third  
638 and each subsequent violation of the same provision  
requires a mandatory court appearance and may be  
640 punishable by a fine of five hundred dollars (\$500.00) or  
by criminal citation as provided in section 1-9 of this  
642 Code. All such fines are shown in Table 3 in subsection  
15-187(f).

644 (d) If the person cited elects to pay the applicable reduced  
civil penalty for a first or second violation, the person shall be  
646 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  
648 fourteenth day after issuance of the citation or fails to request a court  
hearing within the time prescribed, the person shall have waived any  
650 right to contest the citation, and a judgment shall be entered against  
the person cited in an amount up to the maximum civil penalty,  
652 which shall not exceed five hundred dollars (\$500.00).

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

660 (f) Enforcement and penalty summary table.

662 TABLE 3  
ENFORCEMENT AND PENALTY SUMMARY

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

Footnote: If a repeat violation is found, the case may be presented to the Special Magistrate, in accordance with [chapter 11](#) of this Code or as provided in [section 1-9](#) of this Code.

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

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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.

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**Sec. 15-189. Reserved.**

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**Sec. 15-190. Reserved.**

682

**Sec. 15-191. Administration.**

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

686

**Secs. 15-192—15-215. Reserved.**

688

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



690 ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.

692 ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

694  
By: \_\_\_\_\_  
696 Jerry L. Demings  
Orange County Mayor

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

702 By: \_\_\_\_\_  
Deputy Clerk

704  
706 S:\GStanford\WORK PRODUCT\Ordinances\ch. 15 Noise\Noise Ordinance DRAFT 2024-11-18.docx

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