

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.

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

190 (18) *Noise* or *noise disturbance*, for purposes of this article,
192 shall mean any sound produced in such quantity and for
194 such duration that it annoys, disturbs or injures a
196 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
204 include schools, public libraries, churches, hospitals,
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
210 United States, the state or any political subdivision
thereof.

212 (21) *Plainly audible* shall mean any sound produced or
214 reproduced by any source that can be clearly heard by a
216 person using his/her normal hearing faculties, at a
218 distance as defined in subsection 15-183(b)(1) from the
220 property line or right-of-way line of the source of the
222 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
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
317 county for its inhabitants.

318 **Sec. 15-182. Maximum permissible sound levels; land use**
319 **categories; times; and measurement descriptors.**

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321 TABLE 1
322 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.**

- 325 (a) *Measurement with a sound level meter.*
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- 328 (1) Sound shall be measured with an integrating-averaging
329 sound level meter satisfying at least the applicable
330 requirements for a Type 2 meter or better, as specified in
331 the American National Standard Institute publication
332 entitled, “Specifications for Integrating-Averaging
333 Sound Level Meters” designated as ANSI standard S1.1-
334 2013.
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- 336 (2) Calibration of all instruments, components, and
337 attachments shall conform to the latest ANSI standards.
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- 339 (3) Measurements of sound under this subsection shall be
340 made by individuals trained in a noise measurement
341 program approved by the county.
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- 343 (4) Sound shall be measured outdoors, no closer than the
344 nearest noise sensitive zone or residential area property
345 line.
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- 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 to a distance that exceeds the distance requirement
 386 of the plainly audible standard sound limits in subsection
 15-183(b)(1). The investigating officer shall measure

388 such distance, according to the following standards, to
390 determine whether the sound constitutes a noise
disturbance:

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

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

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

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

410 Subject to the provisions of sections 15-185 and 15-186, no
412 person shall produce, cause to be produced, or allow to be produced,
by any means, any noise disturbance on any private or public
414 property, including a right-of-way, when such noise is plainly
audible or when such noise is measured pursuant to section 15-183
416 and, where applicable, exceeds the applicable sound level limits set
forth in section 15-182.

418 **Sec. 15-185. Exemptions.**

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

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

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

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

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

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- (e) Law enforcement activities, including training;
- (f) Emergency signals during emergencies;
- (g) Emergency signal testing between 7:00 a.m. and 7:00 p.m.;
- (h) Emergency work or emergency service;
- (i) Generators used during or as a result of an emergency;
- (j) Intermittent testing of generators and emergency equipment between 8:00 a.m. and 6:00 p.m., consisting of no more than two intermittent periods of 20 minutes each for testing within any consecutive two hour period of time, with the exception that temporary generators that are used to provide electrical power during an electrical power outage are exempt from such time limitations, provided that the generator or emergency equipment is operated in accordance with the manufacturer's specifications, with all standard equipment, and is in proper operating condition;
- (k) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 and applicable federal criteria;
- (l) Refuse collection vehicles, including street sweepers, while in the process of performing their intended activities;
- (m) Construction or demolition activities, other than the placement of concrete as described in subsection (n) below, for which the county has issued a development permit, provided such activity occurs between 7:00 a.m. and 9:00 p.m.;
- n) 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 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, and any subsequent changes in the anticipated or alternative date for the placement of concrete, shall be provided to the Environmental Protection Division and shall be

480 distributed in accordance with the policies and procedures
482 established by the Environmental Protection Division. A copy of
the notice and distribution list shall be provided to the environmental
484 protection officer at least forty-eight (48) hours prior to
commencement of such concrete placement activity;

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

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

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

498 (r) Unamplified human voice;

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

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

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

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

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

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

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- (1) Identification of applicant;
 - (2) Applicant's mailing address;
 - (3) Legal description of property from which the sound will emanate;
 - (4) Description of source of sound;
 - (5) Description of sound;
 - (6) Names and addresses of all abutting property owners;
 - (7) Facts and reasons justifying a variance; and
 - (8) Noise compliance and compatibility study.
- (d) The applicant for a variance shall tender an application fee in an amount determined by the board of county commissioners.
- (e) The environmental protection officer shall schedule a hearing on the variance application. The environmental protection officer shall notify the applicant for a variance and all abutting property owners no less than ten (10) days before the hearing of the time, date, and place of the hearing. If the variance application stems from a complaint, then the environmental protection officer shall notify the complainant.
- (f) At the hearing, the applicant may submit any relevant evidence or testimony. In deciding whether to grant or deny the application, the environmental protection officer shall consider the hardship which will result to the applicant, the community, and other 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.

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Sec. 15-187. Enforcement/penalty.

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576 (a) It shall be unlawful for any person to violate any
578 provisions of this article, or any provisions of any resolution enacted
580 pursuant to this article. The provisions of this article may be
582 enforced by issuance of a letter of warning, a notice of violation,
584 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.

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

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

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(c) (1) When a noise complaint is received and referred to the
investigating officer for investigation, pursuant to subsection 15-

618 179(d), and upon personal investigation the investigating officer
620 finds probable cause to believe the owner or operator of the real
622 property at issue is in violation of this article, the investigating
officer may issue a written warning to cease and desist the violation.

624 (2) If the owner or operator of the real property does not take
626 corrective action regarding such a cease and desist
628 warning within a reasonable time, which is defined to be
630 five minutes or less, or if the noise or sound is abated
after the warning and then reoccurs within one hundred
632 eighty (180) days of the time of abatement, the owner or
operator of the real property at issue may be found guilty
634 of a civil infraction, with a maximum penalty in an
amount not to exceed five hundred dollars (\$500.00).

636 (3) Upon determination that a violation of this article has
638 occurred, the investigating officer may issue a civil
640 citation pursuant to the requirements provided at F.S. §
642 162.21, which shall be punishable by a fine of two
hundred dollars (\$200.00) for the first offense and four
644 hundred dollars (\$400.00) for the second offense. A third
and each subsequent violation of the same provision
646 requires a mandatory court appearance and may be
punishable by a fine of five hundred dollars (\$500.00) or
648 by criminal citation as provided in section 1-9 of this
Code. All such fines are shown in Table 3 in subsection
650 15-187(f).

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

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

672 (f) Enforcement and penalty summary table.

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

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

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

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673 The environmental protection officer, the investigating officer,
674 any other authorized code enforcement officer, and the county shall
675 be immune from prosecution, civil or criminal, for reasonable, good
676 faith trespass upon private property while in the discharge of duties
677 under this article.

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

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

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

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

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689 **Secs. 15-192—15-215. Reserved.**

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

692 ADOPTED THIS ____ DAY OF _____, ____.

694 ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

696 By: _____
698 Jerry L. Demings
Orange County Mayor

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

702 By: _____
704 Deputy Clerk

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