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SECRETARY OF STATE

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 21, ARTICLE VIII. NOISE; PROVIDING FOR A SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR STANDARDS; PROVIDING FOR SOUND LEVELS LIMITS BY RECEIVING LAND USE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR MOTOR VEHICLES; PROVIDING FOR DEVIATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution, Article II, Section 7, mandates that "adequate provision shall be made by law for the abatement of excessive and unnecessary noise"; and

WHEREAS, a substantial body of science and technology exists by which sound may be measured and substantially abated; and

WHEREAS, noise tends to escalate with population growth and urbanization; and

WHEREAS, excessive and unnecessary noise causes physiological and psychological effects on people; and

WHEREAS, excessive and unnecessary sound interferes with the quality of life; and

WHEREAS, the description of sound may include: (1) duration in seconds; (2) intensity or loudness in decibels; and (3) pitch or frequency in hertz; THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 21, ARTICLE VIII IS HEREBY AMENDED TO READ:

ARTICLE VIII. NOISE

Sec. 21-132. Short title.

This article shall be known and may be cited as the "Hernando County Noise Control Ordinance."

Sec. 21-133. Definitions.

All technical terminology used in this article not defined below shall be defined according to applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network.

The level so read is designated Db A. The A scale is weighted to match the sensitivities of the human ear which can typically distinguish pitch between 20 hertz and 20,000 hertz. On the A scale, higher tones are given more weight than lower tones.

Agricultural district area. Any property zoned AG or Agricultural as defined by the Hernando County Zoning Ordinance.

Agricultural/Residential district area. Any property zoned A/R, A/R-1, A/R-2, or Agricultural/Residential as defined by the Hernando County Zoning Ordinance.

Commercial district area. Any property zoned C-1, C-2, C-3, C-4, A-C, OP, R-C, CM-1, CM-2, PDP(NC), PDP(GHC), PDP(OP), or other Commercial as defined by the Hernando County Zoning Ordinance.

Conservation district area. Any property zoned CV or Conservation as defined by the Hernando County Zoning Ordinance.

Decibel (Db). A unit for describing the relative loudness or amplitude of sound. Decibels are measured on a logarithmic scale, so that each 10 Db rise means a tenfold increase in acoustic energy. For example, 60 Db A is 10 times stronger than 50 Db A. A decibel is equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

Department. The agency designated by the governing body as being responsible for enforcing the provision of this article.

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Industrial district area. Any property zoned I-1, PDP(I) or other Industrial districts as defined in the Hernando County Zoning Ordinance.

Institutional. Nonprofit or quasi-public uses or institutions such as houses of worship, libraries, public or private schools, hospitals, or municipally owned or operated buildings, structures, or land, used for public purposes.

Institutional, Public Space, or Recreational district area. Any property designated or used as Institutional, Public Space, or Recreational as defined by the Hernando County Zoning Ordinance.

Maximum sound level. The highest "instantaneous" sound pressure level (SPL) recorded during the measuring period.

Mining district area. Any property zoned M or Mining as defined in the Hernando County Zoning Ordinance.

Noise. A sound of any kind that exceeds the levels established by this ordinance.

Person. Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of the United States, a State, or any political subdivision of a State.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public Space. Any real property or structures thereon normally accessible to the public which is owned or controlled by a governmental entity.

Real property line. An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented, or leased by one (1) person from that owned, rented, or leased by another person, excluding real property divisions within buildings.

Residential district area. Any property zoned R-1A, R-1B, R-1C, R-2.5, RM, R-2, R-3, R-R, R-1-MH, R/PDP, MF/PDP, MH/PDP or other Residential districts as defined in the Hernando County Zoning Ordinance.

RMS Sound Pressure. The square root of the time-averaged-square of the sound pressure denoted P_{rms} .

Rural district area. Any property zoned Rural as defined in the Hernando County Zoning Ordinance.

Sound. 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. Sound is any change in atmospheric pressure that the human ear can detect. Sound travel can be affected by temperature inversions, clouds, wind speed and direction, and objects.

Sound level. The weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in American National Standards Institute Specifications for Sound Level Meters, ANSI S1, 4-1971, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of Type 2 or better, as specified in the

American National Standards Institute Publication S1.41972 or its successor publication.

Sound pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

Sound pressure level. Twenty (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals ($20 \times 10^{-6} \text{N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels. The SPL is an "instantaneous" reading from a sound level meter.

Spectator games. Competitive sports such as baseball, football, soccer, and similar athletic events involving spectators.

Sec. 21-134. Standards.

A. Sources of sound shall conform to the Sound Level Limits by Receiving Land Use as set forth in TABLE I. The minimum measurement period shall be ten (10) minutes. Sound shall be measured at or within the real property line of the receiving land use. Exceedences accumulating to more than ten (10) percent of the measuring period shall constitute a violation.

B. Sources of sound shall also conform to the "instantaneous" Maximum Sound Levels by Receiving Land Use as set forth in TABLE II. The minimum measurement period shall be ten (10) minutes. Sound shall be measured at or within the real property line of the receiving land use. A single "instantaneous" occurrence above the Maximum Sound Level shall constitute a violation.

Sec. 21-135. Sound level limits by receiving land use.

TABLE I

Receiving Land Use	Time	Sound Level Limit (Db A)
Residential, Institutional, Public Space, or Recreational District Areas for sound levels measured at the property line and Agricultural, Agricultural/Residential, Conservation, or Rural District Areas for sound levels measured at the residence	7:00 a.m. - 9:00 p.m.	60
	9:00 p.m. - 7:00 a.m.	55
Commercial District Areas	7:00 a.m. - 9:00 p.m.	65
	9:00 p.m. - 7:00 a.m.	60
Agricultural, Agricultural/Residential, Conservation, Industrial, Mining, or Rural District Areas for sound levels measured at the property line	At all times	75

(For defining receiving land use within the C/PDP (Combined) mixed use zoning district, C/PDP will be classified according to the area land use in question--residential, commercial, industrial, and so forth.)

TABLE II

<i>Receiving Land Use</i>	<i>Time</i>	<i>Maximum ("instantaneous") Sound Level (Db A)</i>
Residential, Institutional, Public Space, or Recreational District Areas for sound levels measured at the property line and Agricultural, Agricultural/Residential, Conservation, or Rural District Areas for sound levels measured at the residence	7:00 a.m. -9:00 p.m.	70
	9:00 p.m. -7:00 a.m.	60
Commercial District Areas	7:00 a.m. -9:00 p.m.	75
	9:00 p.m. -7:00 a.m.	65
Agricultural, Agricultural/Residential, Conservation, Industrial, Mining, or Rural District Areas for sound levels measured at the property line	At all times	85

Sec. 21-136. Exemptions.

The following activities or sources are exempt from the requirements of this article:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.

B. The unamplified human voice.

C. Tractors, nonstationary farming equipment, and reasonable operation of other equipment and conduct of activities normal to agricultural communities in areas zoned Agricultural (AG) and Agricultural/Residential (A/R) including, but not limited to, soil cultivation, lawn and pasture mowing, and tree trimming.

D. Reasonable operation of unamplified church bells or chimes when used for traditional religious purposes.

E. Officially authorized spectator games, approved school activities, and approved holiday events and activities including, but not limited to, parades, community fairs and festivals, and fireworks displays.

F. Animal sounds, which shall be regulated as set forth in the Florida Statutes.

G. The emergency or routine maintenance of public service utilities.

H. The operation of railways and aircraft. Aircraft sound shall be regulated according to the Hernando County Airport Zoning Ordinance.

I. Approved mosquito fogging operations.

J. Refuse collection, except for residential service as regulated by the Hernando County Waste Collection and Disposal Ordinance.

K. Scheduled road construction and maintenance by city, county or state agencies and their authorized contractors.

L. Construction activities between 7:00 a.m. and 9:00 p.m.

M. Operation of domestic power tools between 7:00 a.m. and 9:00 p.m.

N. Properly functioning air conditioning and air-handling equipment for residential purposes.

Sec. 21-137. Motor Vehicles.

A. *Motor vehicles operating on public right-of-way:* Motor vehicles on a public right-of-way are regulated as set forth in the Florida Statutes. (Sound Level Limits for Receiving Land Use do not apply.)

B. *Competitive Racing Events.* No person shall construct, alter or expand any installation or facility for competitive racing events, without first providing documentation and assurance of compliance with this article, and without first receiving written approval from the Board of County Commissioners.

The documentation and assurance above shall include, but not be limited to, the use of sound barriers, use of muffler devices, control of direction and volume of loud speakers, and provisions for monitoring.

C. *Operation of radios or other mechanical soundmaking devices or instruments in vehicles; exemptions.*

- (1) It is unlawful for any person operating or occupying a motor vehicle on private property to operate or amplify the sound produced by a radio, tape player, or other

mechanical soundmaking device or instrument from within the motor vehicle so that the sound is:

- (a) Plainly audible at a distance of one hundred (100) feet or more from the motor vehicle; or
 - (b) Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.
- (2) The provisions of this subsection shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.
 - (3) The provisions of this subsection do not apply to motor vehicles used for business or political purposes, which in the normal course of conducting such business use soundmaking devices.
 - (4) The provisions of this subsection do not apply to the noise made by a horn or other warning device required or permitted by Florida Statutes.
 - (5) The provisions of this subsection do not apply to vehicles operating on a street or highway.

Sec. 21-138. Deviations.

A. The Board of County Commissioners is authorized to grant deviations from any provision of this article, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the County determines are appropriate to protect public health, safety and welfare from the noise emanating therefrom. This section shall in no way negate the duty to obtain any permit or license required by law for such activities.

B. Any person seeking a deviation pursuant to this section shall file an application with the designated department. The application shall contain information which demonstrates that bringing the source of sound or activity for which the deviation is sought into compliance with this article would constitute an unreasonable hardship on the applicant, on the community or on other persons. Notice of an application for a deviation shall be published according to procedures outlined by the Board of County Commissioners. Any individual who claims to be adversely affected by allowance of the deviation may file a statement with the designated department containing any information to support their claim. If at any time Hernando County finds that a sufficient cause may exist regarding an application, a public hearing will be held.

C. In determining whether to grant or deny the application, the Board of County Commissioners shall balance the hardship on the

applicant, the community and other persons of not granting the deviation, against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of property affected, and any other adverse impacts of granting the deviation. Applicants for deviations and persons contesting deviations may be required to submit any information the Board of County Commissioners may reasonably require. In granting or denying an application, the Board of County Commissioners shall keep on public file a copy of the decision and the reasons for denying or granting the deviation.

D. Deviations shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The deviation shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the deviation shall terminate the deviation and subject the person holding it to those provisions of this article for which the deviation was granted.

Sec. 21-139. Enforcement.

The County is empowered to investigate any situation where a person is alleged to be violating this ordinance. The County is authorized to issue a Notification of Violation and later a citation if the situation is not remedied.

Sec. 21-140. Penalties.

This ordinance may be enforced in accordance with the provisions of Chapter 1.8 or Chapter 2, Article III, Hernando County Code of Ordinances or in accordance with any other applicable provisions of law.

Secs. 21-141--21-149. Reserved.

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 3. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances as well as the Land Development Regulations of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgement from the office of the

Secretary of State of the State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS THIS 29TH DAY OF JUNE, 1993.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY *Anthony C. Mosca, Jr.*
ANTHONY C. MOSCA, JR., CHAIRMAN

ATTEST *Karen Nicolai*
KAREN NICOLAI, CLERK

