

ORDINANCE # 88-7

AN ORDINANCE TO BE KNOWN AS THE HERNANDO COUNTY NOISE ORDINANCE: PROVIDING FOR A SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR STANDARDS; PROVIDING FOR SOUND LEVEL LIMITS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR OPERATION OF MOTOR VEHICLES; PROVIDING FOR SPECIAL VARIANCE; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA.

SECTION 1. SHORT TITLE

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

SECTION 2. DEFINITIONS

All technical terminology used in this Chapter 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 leveling decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

"COMMERCIAL AREA" -- All property which is used primarily for the sale of merchandise or goods, or for the performances of a service, or for office or clerical work.

"DECIBEL (dB)" -- A unit for describing the amplitude of sound, equal to 10 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

DEPARTMENT -- The agency designated by the governing body as being responsible for enforcing the provisions of this ordinance.

"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 AREA" -- Any property which is used primarily or zoned for manufacturing, mining, processing, or an airport.

"NOISE" -- Any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological effect on humans.

"NOISE DISTURBANCE" -- Sound which (a) unreasonably interferes with the enjoyment of life, property or outdoor recreation of a reasonable person with normal sensitivities, or (b) is of such character and in such quantity or level as to be detectable by a considerable number of persons so as to interfere with their health, repose, or safety or to cause severe annoyance or discomfort, or (c) exceeds the sound level limits of Section 4(A).

NOISE-SENSITIVE ZONE -- Designated quiet zones. Noise sensitive zone activities include, but are not limited to, operations of schools, churches, hospitals, nursing homes, and libraries open to the public.

"PUBLIC RIGHT OF WAY" -- Any street, avenue, boulevard, highway, sidewalk or 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.

"PURE TONE" -- Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds arithmetic value of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

"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 person from that owned, rented, or leased by another person, excluding intrabuilding real property divisions.

"RESIDENTIAL AREA" -- All those districts zoned for residential uses by the County including, but not limited to, the R-1A, R-1B, R-1C, RM, R-2, R-3, A/R, A/R-1, A/R-2, R-R, R-1-MH, R/PDP, MF/PDP, C/PDP, and MH/PDP classifications as defined in the County's Zoning Ordinance.

"SHORT DURATIONS" -- Any sound with a duration of less than one second.

"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 ANALYZER" -- A device for measuring the octave band of a sound as a function of frequency.

"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 of barometric pressure at a given point in space, as produced by the presence of energy.

"SOUND PRESSURE LEVEL" -- 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to pressure of 20 micronewtons per square meter (20 x sound pressure level is expressed in decibels).

"SPECTATOR GAMES" -- Competitive sports such as baseball, football, soccer, and similar athletic events involving spectators.

SECTION 3. STANDARDS

(A) NOISE DISTURBANCE PROHIBITED

No person shall make, continue, or cause to be made or continue any noise disturbance. The continuation of a noise disturbance upon ones property following notice by the County of its existence shall be deemed to continue with the permission of the owner.

(B) CONSTRUCTION

No person shall operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between the hours of 7 P.M and 10 P.M. on weekdays or Saturdays, or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential real property line or at any time violates the provisions of Section 4(A) except for emergency work of public service utilities or by variance issued by the Board of County Commissioners. Construction shall be prohibited in residential or noise-sensitive zones between the hours of 10 P.M. and 7 A.M. This section shall not apply to the use of domestic power tools as specified in Section 3(C).

(C) DOMESTIC POWER TOOLS

No person shall operate or permit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between the hours of 10 P.M. and 7 A.M. the following day in a residential or noise sensitive zone.

(D) REFUSE COLLECTION VEHICLES

No person shall collect refuse with a refuse collection vehicle between the hours of 7 P.M. and 7 A.M. the following day in a residential or noise sensitive zone.

(E) MAXIMUM SOUND LEVELS FOR RECEIVING LAND USE.

Sound levels which exceed the limits set forth in this ordinance for the receiving land when measured at or within the property line of the receiving land use are declared to be a noise disturbance.

SECTION 4. SOUND LEVEL LIMITS

(A) BY RECEIVING LAND USE

TABLE I

<u>Receiving Land Use Category</u>	<u>Time</u>	<u>Sound Level Limit (dBa)</u>
Residential, Public Space, or Institutional	7 am - 10 pm	60
	10 pm - 7 am	55
Commercial or Business	7 am - 10 pm	65
	10 pm - 7 am	60
Manufacturing, Industrial, or Agricultural	At All Times	75

(B) For any source of sound the maximum sound level shall not exceed the sound level limits in Table I by:

i) 10 dbA from 7 am to 10 pm.

ii) 5 dbA from 10 pm to 7 am.

iii) 10 dbA at all times in a manufacturing, industrial, or agricultural land use.

(C) CORRECTION FOR CHARACTER OF SOUND

For any source of sound which emits a pure tone, the maximum sound level limits set forth in Table I shall be reduced by 5 dbA. For any source of sound which is of short duration (no more than one second) and is non-repetitive, the maximum sound level limits set forth in Table I shall be increased by 10 dbA from 7 am to 10 pm.

(D) MINIMUM MEASUREMENT PERIOD

The minimum measurement period shall be ten (10) minutes and impermissible sound levels must occur at least ten (10) per cent of the measuring period.

SECTION 5. EXCEPTIONS TO SOUND LEVEL LIMITS

It is not the intent of this chapter to regulate noises in circumstances where persons, property, wildlife, or plant life are not affected by the noise. The following activities or sources are exempt from the requirements of this chapter:

(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) Non-stationary 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 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) The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, and other normal sounds of reasonably cared for domestic animals.

(G) The routine maintenance of public service utilities.

(H) Ordinary noise created by the operation of railways and aircraft.

(I) Approved mosquito fogging operations.

(J) Refuse collection between 7 A.M. and 7 P.M.

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

(L) Permitted construction activities between 7 A.M. and 7 P.M.

(M) Operation of domestic power tools between 7 A.M. and 10 P.M.

SECTION 6. 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 Motor Vehicle Noise Prevention and Control Act of 1974, Chapter 74-110, Laws of Florida.

(B) RECREATIONAL MOTORIZED VEHICLES OPERATING OFF PUBLIC RIGHTS OF WAY

No person shall operate or cause to be operated any recreational motorized vehicle off a public right of way in such a manner that the sound level emitted therefrom violates the provisions of Section 4(A). When recreational motorized vehicles are operated on a public right of way, they shall be operated in a manner pursuant to all applicable statutes. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, motorcycles, go-carts, amphibious craft, campers, dune buggies, race cars, and off-road vehicles. All such vehicles shall use noise attenuating devices (exhaust mufflers).

(C) APPROVAL REQUIRED

No person shall construct, alter, or expand any installation or facility for competitive events, the use or operation of which might reasonably be expected to be a source of noise which exceeds the limits specified in this Chapter, without first providing documentation and assurance of compliance with this

Chapter, 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.

SECTION 7. SPECIAL VARIANCE

(A) The Board of County Commissioners is authorized to grant variances for exception from any provision of this ordinance, 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 affect the duty to obtain any permit or license required by law for such activities.

(B) Any person seeking a variance 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 variance is sought into compliance with this ordinance would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a variance 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 variance may file a statement with the designated department containing any information to support his claim. If at any time Hernando County finds that a sufficient controversy exists 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 variance 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 variance. Applicants for variances and persons contesting variances 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 variance.

(D) Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate

the variance and subject the person holding it to those provisions of this ordinance for which the variance was granted.

SECTION 8. 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 9. INCLUSION INTO THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" any be changed to "section", "article", or other appropriate designation.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of the official acknowledgment 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 IN REGULAR SESSION THIS 23rd ---DAY OF March, 1988.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY FLORIDA**

BY [Signature]
DAVID D. RUSSELL, SR., CHAIRMAN

ATTEST [Signature]
KAREN NICOLAI, CLERK