

ORDINANCE NO. 2022 _____

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, RELATING TO NOISE, VIBRATION AND AIR POLLUTION; AMENDING CHAPTER 21, ARTICLE I, SECTION 21-11 ENTITLED "DEFINITIONS"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-20 ENTITLED "PROHIBITION"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-23 ENTITLED "NOISE SENSITIVE ZONES"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-25 ENTITLED "MEASUREMENT OF SOUND"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-26 ENTITLED "SPECIFIC NOISE PROHIBITIONS"; AMENDING CHAPTER 21, ARTICLE II, SECTION 21-32 ENTITLED "ENFORCEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners ("Board") is the legislative and governing body of Citrus County, Florida, a political subdivision of the State of Florida, authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes;

WHEREAS, from time to time, parts of the Code of Ordinances must be revised, repealed, adopted and or amended.

NOW THEREFORE, BE IT ORDAINED by the Citrus County Board of County Commissioners:

Section I. Incorporation of Recitals. The above recitals are true and correct and are hereby incorporated by reference.

Section 2. Amending of Chapter 21, Article I, Section 21-11 Entitled "Definitions". Chapter 21, Article I, Section 21-11, Citrus County Code of Ordinances, entitled "Definitions" is hereby amended as follows:

Noise sensitive zone shall mean a quiet zone where serenity and quiet are of extraordinary significance, ~~which is open or in session~~, and which is demarcated by conspicuous signage identifying it as a noise-sensitive or quiet zone. Noise-sensitive zones may include hospitals, nursing homes, schools, courts, public libraries, houses of worship, protected areas and other areas defined as such pursuant to resolution adopted by the board of county commissioners or other governmental agency.

Plainly audible shall mean clearly or understandably loud enough to be heard through perception of the human ear. ~~In such cases the location of the source of the noise and the type of the noise being generated can be easily described~~ using normal hearing faculties at a distance of twenty five (25) feet or more from the source.

Section 3. Amending of Chapter 21, Article II, Section 21-20 Entitled "Prohibition". Chapter 21, Article II, Section 21-20, Citrus County Code of Ordinances, entitled "Prohibition" is hereby amended as follows:

Sec. 21-20. Prohibition.

Attachment: DRAFT Noise Ordinance Redline May 18, 2022 (20505 : Set a Public Hearing on an Ordinance Pertaining to Noise, Vibration and Air

42 It shall be a violation of this article for any person to make, cause, or allow the making of
 43 any noise or sound within the unincorporated area of Citrus County that exceeds the noise
 44 ~~level~~ limits as set forth in this article.

45 **Section 4. Amending of Chapter 21, Article II, Section 21-23 Entitled “Noise Sensitive**
 46 **Zones”.** Chapter 21, Article II, Section 21-23, Citrus County Code of Ordinances, entitled “Noise
 47 Sensitive Zones” is hereby amended as follows:

48 Sec. 21-23. Noise sensitive zones.

49 It shall be a violation of this article to create, maintain or cause to be maintained any sound
 50 within or adjacent to any noise sensitive zone so as to exceed 55 dB(A) at any time when
 51 measured at a distance of at least 25 feet from the sound source, or that is plainly audible
 52 as defined herein, provided that conspicuous signs are displayed indicating the presence
 53 of the zone to read "Quiet Zone." Noise sensitive zones may be created by resolution of
 54 the board of county commissioners or other governmental entity.

55 **Section 5. Amending Chapter 21, Article II, Section 21-25 Entitled “Measurement of**
 56 **Sound”.** Chapter 21, Article II, Section 21-25, Citrus County Code of Ordinances, entitled
 57 “Measurement of Sound” is hereby amended by adding the following:

58 Sec. 21-25. Measurement of sound.

59 (g) In determining whether a sound is plainly audible, an Enforcement agent is entitled to
 60 measure the sound according to the following standards:

61 (1) The primary means of detection shall be by means of the Enforcement agent’s
 62 ordinary auditory senses, so long as the Agent’s hearing is not enhanced by any
 63 mechanical device, such as a microphone or hearing aid.

64 (2) The Enforcement Agent must have a direct line of sight and hearing to the source
 65 of the sound so that the Agent can readily identify the offending source and the
 66 distance involved.

67 (3) The Enforcement Agent need not determine the particular words or phrases being
 68 produced or the name of any song or artist producing the sound. The detection of a
 69 rhythmic bass reverberating type sound is sufficient to constitute a plainly audible
 70 sound.

71 **Section 6. Amending Chapter 21, Article II, Section 21-26 Entitled “Specific Noise**
 72 **Prohibitions”.** Chapter 21, Article II, Section 21-26(2), Citrus County Code of Ordinances,
 73 entitled “Specific Noise Prohibitions” is hereby amended as follows:

74 Sec. 21-26. Specific noise prohibitions.

75 (2) *Radios, televisions, electronic audio equipment, musical instruments, and similar*
 76 *devices not within or upon motor vehicles.*

77 a. The use, operation or playing of any radio, television, phonograph, stereo set, tape
 78 player, sound amplifier, musical instrument or similar device which produces or
 79 reproduces sound which exceeds the permitted levels as prescribed in Table 1 or
 80 which is plainly audible.

81 b. The operation or playing of any radio, musical instrument, or similar device which
 82 produces sound on the public right-of-way which exceeds the permitted levels as
 83 prescribed in Table 1 or which is plainly audible.

84

85 **Section 7. Amending Chapter 21, Article II, Section 21-32 Entitled “Enforcement”.** Chapter
 86 21, Article II, Section 21-32, Citrus County Code of Ordinances, entitled “Enforcement” is hereby
 87 amended by replacing with the following:

88 Sec. 21-32. Enforcement.

89 (a) The primary responsibility for enforcement of this article shall be by the Citrus County
 90 Code Compliance Division. The Citrus County Sheriff’s Office may also enforce the
 91 provisions of this article

92 (b) For the purpose of determining and classifying any noise as one which is declared
 93 unlawful and prohibited by this article, the enforcement agent shall apply the
 94 measurement techniques provided in section 21-25 to determine if the standards have
 95 been violated.

96 (c) The following procedures shall be followed by the enforcement agent when enforcing
 97 this article:

98 (1) The appropriate county enforcement agent shall investigate and determine if any
 99 noise violation exists.

100 (2) Measurement techniques, when required, shall be done in accordance with section
 101 21-25.

102 (3) If a noise level is found to be in violation of this article, the appropriate enforcement
 103 agent shall give warning to the person responsible for the sound. The warning
 104 shall advise the person of the violation and of the possible penalty if the person
 105 fails to eliminate the sound or reduce the sound so that it is within permitted limits
 106 or is not plainly audible.

107 (4) The person receiving the warning shall have a reasonable time to comply with the
 108 warning. Absent special circumstances, a reasonable time is 15 minutes.

109 (5) For the purposes of this article, it is sufficient warning for all prohibited sounds if
 110 the person responsible for such sound has been warned of, or cited for, one or
 111 more offending sounds of the same type within the previous 60 days, or in the case
 112 of a business, in the time period since ownership of the business changed,
 113 whichever is less.

114 (6) If the sound is not eliminated or is not reduced to allowable limits within a
 115 reasonable time after the warning, or if the noise or sound reoccurs after warning
 116 and abatement, the person o warned and not complying shall be cited for a
 117 violation of this article as set forth in section 21-33.

118 **Section 8. Severability.** If any section, subsection, sentence, clause, or provision of this
 119 Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such
 120 invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional
 121 the remaining provisions of this Ordinance.

122 **Section 9. Modification.** The provisions of this Ordinance may be modified as a result of
 123 considerations that may arise during public hearings. Such modifications shall be incorporated
 124 into the final version of the ordinance adopted by the Board and filed with the Clerk.

125 **Section 10. Scrivener’s Errors.** Typographical errors which do not affect the intent of this
 126 Ordinance may be authorized by the County without need of a public hearing by filing a corrected
 127 or re-codified copy of the same with the Clerk.

128 **Section 11. Codification.** The publisher of the County’s Code of Ordinances, the Municipal
129 Code Corporation, is directed to incorporate this article into the Code of Ordinances where
130 indicated.

131 **Section 12. Effective Date.** This Ordinance shall take effect as provided by law.

132 **PASSED AND DULY ADOPTED**, in open session, with a quorum present and voting, this
133 ____ day of _____, 2022.

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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

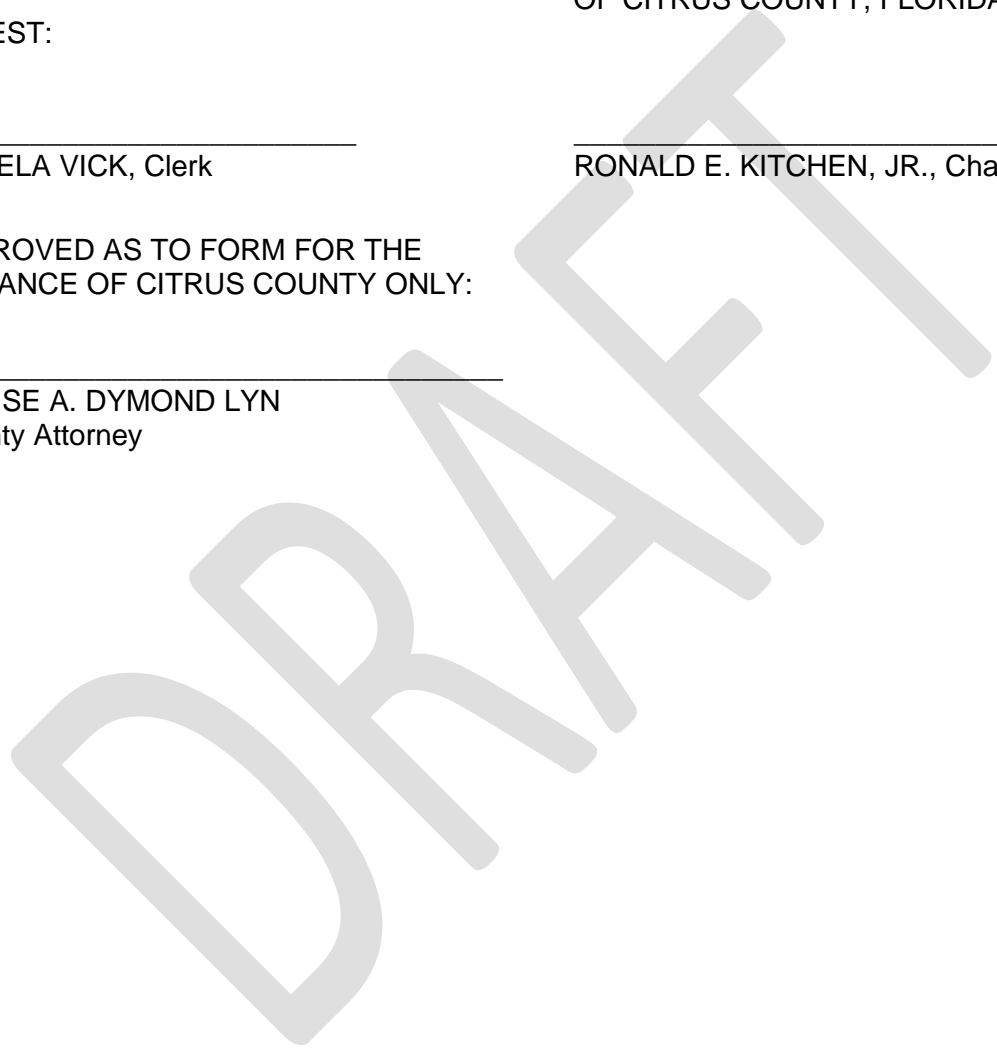
ATTEST:

137 _____
138 ANGELA VICK, Clerk

RONALD E. KITCHEN, JR., Chairman

139 APPROVED AS TO FORM FOR THE
140 RELIANCE OF CITRUS COUNTY ONLY:

141 _____
142 DENISE A. DYMOND LYN
143 County Attorney



RESOLUTION NO. 2022-___**A RESOLUTION OF CITRUS COUNTY, FLORIDA,
CREATING NOISE SENSITIVE ZONES IN SPECIFIED
AREAS WITHIN THE COUNTY; PROVIDING FOR
SIGNAGE; PROVIDING FOR ENFORCEMENT; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, The Board of County Commissioners of Citrus County, Florida (“Board”) finds that excessive and unnecessary noise vibration and noise pollution interferes with the public and the enjoyment of private property. The stated intent of Chapter 21, Article I, Citrus County Code of Ordinances is to protect the health, safety, and welfare, and to protect the aesthetic and property values of properties within the County by providing for abatement of such conditions.

WHEREAS, Recently, the County has received many reports from citizens and law enforcement of boaters on the County’s waterways and canals adjacent to residential properties playing radios and audio equipment generating noise exceeding the noise levels set forth in the County Code.

WHEREAS, Section 21-23, Citrus County Code of Ordinances provides for the creation of “Noise Sensitive Zones”, which are defined as “a quiet zone where serenity and quiet are of extraordinary significance and which is demarcated by conspicuous signage identifying it as a noise-sensitive or quiet zone. Noise sensitive zones may include hospitals, nursing homes, schools, courts, public libraries, houses of worship, protected areas and other areas defined as such pursuant to resolution adopted by the board of county commissioners or other governmental agency.”

WHEREAS, Within or adjacent to a Noise Sensitive Zone, it is a violation of the County Code to create, maintain or cause to be maintained any sound exceeding fifty-five (55) db(A) at any time when measured at a distance of at least twenty-five (25) feet from the sound source, or that is plainly audible, provided that conspicuous signs are displayed indicating the presence of the zone.

WHEREAS, In order to promote public safety, welfare, and enjoyment of private property and County waterways, the Board desires to create Noise Sensitive Zones as provided herein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, as follows:

1. The foregoing recitals are hereby incorporated as though fully set forth herein.
2. Pursuant to Section 21-23, Citrus County Code of Ordinances, the Board hereby creates Noise Sensitive Zones throughout all areas depicted on the map attached hereto as Exhibit “A”.

- 3. The County Administrator or his designee shall procure and place signage throughout the Noise Sensitive Zones indicating the presence of the zone to read "Quiet Zone" and shall procure all appropriate and necessary permits for such placement.

This Resolution is dated and adopted this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

Angela Vick, Clerk of Court

By: _____
Ronald E. Kitchen, Jr., Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY:

Denise A. Dymond Lyn
County Attorney

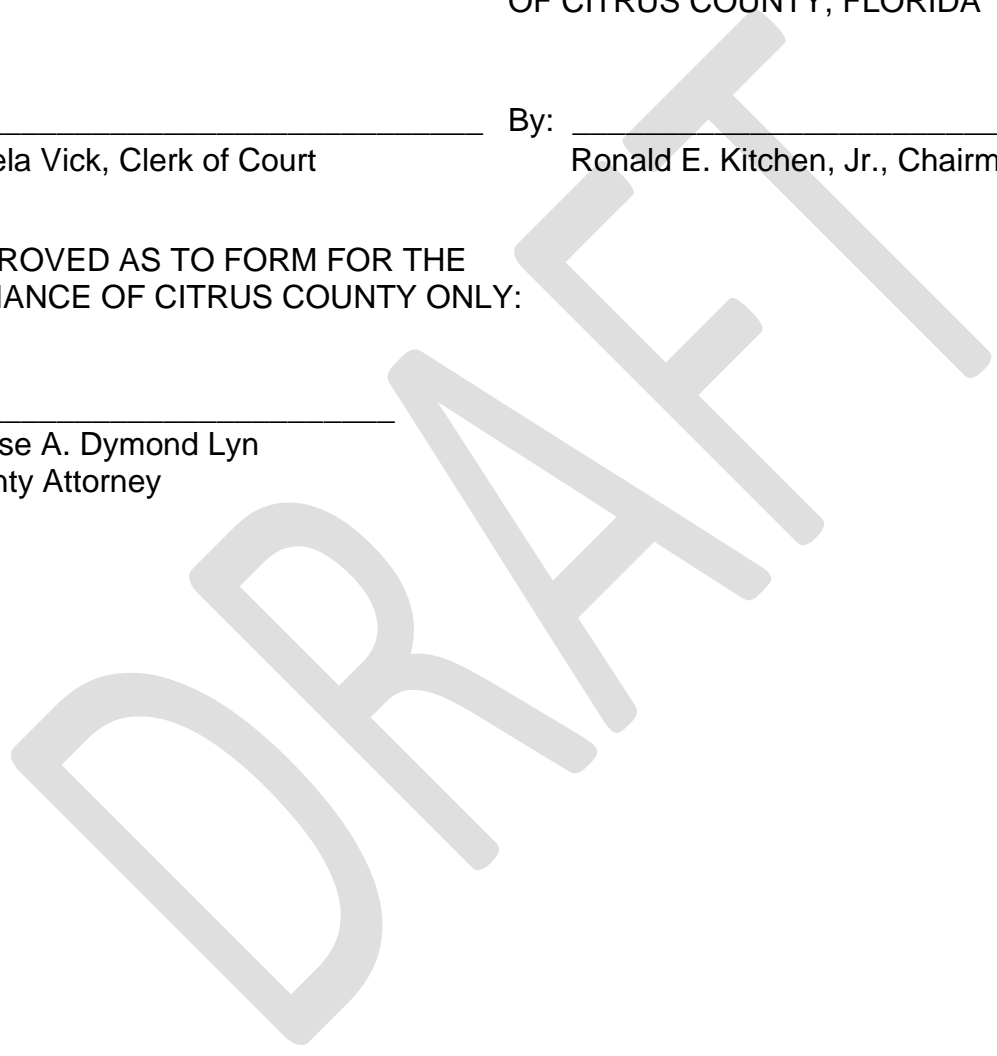


Exhibit "A"

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