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ORDINANCE NO. 13-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 12, ARTICLE II OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED NOISE CONTROL; AMENDING SECTION 12-56, NOISES PROHIBITED; AMENDING SECTION 12-57, EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Section 12-56 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 12-56. Noises prohibited.

The following acts are declared to be per se violations of this article. This enumeration does not constitute an exclusive list:

- (1) *Unreasonable noises:* The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.
- (2) *Vehicle horns, signaling devices, and similar devices:* The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of Leon County for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.
- (3) *Nonemergency signaling devices:* Sounding or permitting sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors, or by law enforcement for traffic control purposes are exempt from the operation of this provision.

1 (4) *Emergency signaling devices:* The intentional sounding or permitting the sounding
2 outdoors of any emergency signaling device including fire, burglar, civil defense alarm,
3 siren, whistle, or similar emergency signaling device, except in any emergency or
4 except as provided in Subsections a. and b., below.

5 a. Testing of an emergency signaling device shall occur between 7:00 a.m. and
6 8:00 p.m. Any testing shall use only the minimum cycle test time. In no
7 case shall such test time exceed five minutes. Testing of the emergency
8 signaling system shall not occur more than once in each calendar month.

9 b. Sounding or permitting the sounding of any exterior burglar or fire alarm or
10 any motor vehicle burglar alarm, shall terminate within 15 minutes of
11 activation unless an emergency exists. If a false or accidental activation of an
12 alarm occurs more than twice in a calendar month, the owner or person
13 responsible for the alarm shall be in violation of this article.

14 (5) *Radios, televisions, boom boxes, phonographs, stereos, musical instruments, and*
15 *similar devices:* The use or operation of a radio, television, boom box, stereo, musical
16 instrument, or similar device that produces or reproduces sound in a manner that is
17 plainly audible to any person other than the player(s) or operator(s) of the device, and
18 those who are voluntarily listening to the sound, and which unreasonably disturbs the
19 peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a
20 distance of 50 feet from any person in a commercial, industrial area, or public space.
21 The use or operation of a radio, television, boom box, stereo, musical instrument, or
22 similar device that produces or reproduces sound in a manner that is plainly audible to
23 any person other than the player(s) or operator(s) of the device, and those who are
24 voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and
25 comfort of neighbors in residential or noise sensitive areas, including multi-family or
26 single-family dwellings.

27 (6) *Loudspeakers, amplifiers, public address systems, and similar devices:* The
28 unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public
29 address system, or other device for producing or reproducing sound between the hours
30 of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends
31 and holidays in the following areas:

32 a. Within or adjacent to residential or noise-sensitive areas; and

33 b. Within public space if the sound is plainly audible across the real property
34 line of the public space from which the sound emanates, and is unreasonably
35 loud and raucous.

36 This shall not apply to any public performance, gathering, or parade for which a

1 permit has been obtained from a governmental agency with jurisdiction.

- 2 (7) *Yelling, shouting, and similar activities:* Yelling, shouting, hooting, whistling, or singing
3 in residential or noise sensitive areas or in public places, between the hours of 10:00
4 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet,
5 comfort, or repose of reasonable persons of ordinary sensitivities.
- 6 (8) *Animals and birds:* Unreasonably loud and raucous noise emitted by an animal or bird
7 for which a person is responsible. A person is responsible for an animal if the person
8 owns, controls or otherwise cares for the animal or bird. Sounds made by animals or
9 birds in animal shelters, kennels, veterinary hospitals, pet shops, or pet kennels
10 licensed under and in compliance with any applicable licensing and permitting
11 provisions are exempt from this subsection.
- 12 (9) *Loading or unloading merchandise, materials, equipment:* The creation of unreasonably
13 loud, raucous, and excessive noise in connection with the loading or unloading of any
14 vehicle at a place of business or residence.
- 15 (10) *Construction or repair of residential buildings, excavation of streets and highways:* The
16 construction, demolition, alteration or repair of any building or the excavation of streets
17 and highways other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays
18 and Saturdays. This prohibition does not apply to the delivery and installation of
19 concrete and other materials associated with residential slab installation. In cases of
20 emergency, construction or repair noises are exempt from this provision. ~~In non-~~
21 ~~emergency situations, the county administrator, or his/her designee may issue a permit,~~
22 ~~upon application, if the county administrator, or his/her designee, determines that the~~
23 ~~public health and safety, as affected by loud and raucous noise caused by construction~~
24 ~~or repair of buildings or excavation of streets and highways between the hours of 8:00~~
25 ~~p.m. and 7:00a.m. will not be impaired, and if the county administrator, or his/her~~
26 ~~designee, further determines that loss or inconvenience would result to a party in~~
27 ~~interest. The permit shall grant permission in non-emergency cases for a period of not~~
28 ~~more than three days. The permit may be renewed once for a period of three days or~~
29 ~~less.~~
- 30 (11) *Noise sensitive areas - schools, courts, churches, hospitals, and similar institutions:*
31 The creation of any unreasonably loud and raucous noise adjacent to any noise
32 sensitive area while it is in use, which unreasonably interferes with the workings of the
33 institution or which disturbs the persons in these institutions; provided that conspicuous
34 signs delineating the boundaries of the noise sensitive area are displayed in the streets
35 surrounding the noise sensitive area.
- 36 (12) *Blowers and similar devices:* In residential or noise sensitive areas, between the hours

1 of 8:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or
2 any internal combustion engine, the operation of which causes noise due to the
3 explosion of operating gases or fluids, provided that the noise is unreasonably loud and
4 raucous and can be heard across the property line of the property from which it
5 emanates.

- 6 (13) *Commercial establishments adjacent to residential property:* Unreasonably loud and
7 raucous noise from the premises of any commercial establishment, including any
8 outdoor area which is part of or under the control of the establishment, between the
9 hours of 10:00 p.m. and 7:00 a.m., which is plainly audible at a distance of five feet from
10 any residential property.

11
12 **Section 2.** Section 12-57 of the Code of Laws of Leon County, Florida, is hereby amended to read
13 as follows:

14
15 **Sec. 12-57. Exemptions.**

16 Sounds caused by the following are exempt from the prohibitions set out in Section 12-56,
17 noises prohibited, above:

- 18 (1) Motor vehicles on traffic ways of Leon County, provided that the prohibition of Section
19 12-56(2b) above continues to apply.
- 20 (2) Repairs of utility structures which pose a clear and immediate danger to life, health, or
21 significant loss of property.
- 22 (3) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems
23 used in case of fire, collision, civil defense, police activity, or imminent danger, provided
24 that the prohibition contained in Section 12-56(4d) above continues to apply.
- 25 (4) The emission of sound for the purpose of alerting persons to the existence of an
26 emergency or the emission of sound in the performance of emergency work.
- 27 (5) Repairs or excavations of bridges, streets or highways by or on behalf of any local
28 government, the state, or the federal government, between the hours of 8:00 p.m. and
29 7:00 a.m., when public welfare and convenience renders it impractical to perform the
30 work between 7:00 a.m. and 8:00 p.m.
- 31 (6) Outdoor school and playground activities. Reasonable activities conducted on public
32 playgrounds and public or private school grounds, which are conducted in accordance
33 with the manner in which such spaces are generally used, including but not limited to,
34 school athletic and school entertainment events.
- 35 (7) Other outdoor events. Outdoor gatherings, public dances, shows and sporting events,
36 and other similar outdoor events, provided that a permit has been obtained from the
37 appropriate permitting authority.

1 (8) Outdoor hunting or hunting sports. The discharge of firearms in the normal course of
2 legal hunting activities or customary shooting sports such as skeet, trap, and target
3 shooting.

4 (9) Non-residential and multi-family residential construction projects approved and
5 permitted by the County.
6

7 **Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this
8 ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with
9 the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over
10 any part of this ordinance which is inconsistent, either in whole or in part, with the said
11 Comprehensive Plan.
12

13 **Section 4. Severability.** If any word, phrase, clause, section or portion of this ordinance shall be
14 held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be
15 deemed a separate and independent provision and such holding shall not affect the validity of the
16 remaining portions thereof.
17

18 **Section 5. Effective Date.** This ordinance shall have effect upon becoming law.
19

20 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County, Florida,
21 this 12th day of February, 2013.
22



23 LEON COUNTY, FLORIDA

24 By: _____
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29 Nicholas Maddox, Chairman
30 Board of County Commissioners

31 ATTEST:
32 Bob Inzer, Clerk of the Court
33 Leon County, Florida
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37 By: _____
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44 APPROVED AS TO FORM:
45 Leon County Attorney's Office

46 By: _____
47 Herbert W. A. Thiele, Esq.
48 County Attorney