

ARTICLE II. NOISE CONTROL¹

Sec. 14-31. Title.

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

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-32. Legislative findings.

It is found and declared that:

- (1) This article is enacted pursuant to Article II, Section 7, of the Florida Constitution, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise, and by the home rule power of Lake County, Florida, set forth in F.S. § 125.01(1).
- (2) Excessive sound within the unincorporated county limits is a condition which is increasing in severity with the continued residential and commercial growth of Lake County, Florida.
- (3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety and welfare of the citizens of the Lake County, Florida.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-33. Scope.

This article shall be effective throughout the unincorporated areas of Lake County, Florida.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-34. Excessive noise prohibited.

No person shall create, continue or cause to be created any excessive noise audible to persons within the unincorporated areas of Lake County, Florida. Excessive noise shall mean a noise that is:

- (1) Of such amount or of such duration, wave frequency or intensity as may be or is injurious to human or animal life or property;

¹Editor's note(s)—Ord. No. 2005-3, § 2, adopted Jan. 4, 2005, amended Art. II, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. II pertained to similar subject matter. See also the Code Comparative Table.

Cross reference(s)—Noisy animals, § 4-7.

-
- (2) Of such amount, level, duration or character as to annoy, disturb, injure or unreasonably interfere with or endanger the health, peace or comfortable enjoyment of life, property or the conduct of business; or
 - (3) Of such character and in such quantity or level as to be detectable by a considerable number of persons or the public, so as to interfere with such persons or the public health, repose or safety, or to cause severe annoyance or discomfort; or which interferes with the normal conduct of business, or is otherwise detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of the county.
 - (4) The definition of "noise disturbance" includes sounds that are created within a municipality or county other than Lake County, but which are detected within the unincorporated boundaries of Lake County, Florida.

Factors to be considered in determining whether such noise is excessive include, but are not limited to the level of the noise, whether the origin of the noise is natural or unnatural, the nature of the zoning of the area from which the noise emanates and the area of where it is received, the proximity of the noise to sleeping facilities, the time of day or night the noise occurs, the duration of the noise and whether the noise is recurrent, intermittent or constant.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-35. Other prohibited activities.

The following conduct, acts and circumstances are hereby declared to be prohibited:

- (1) *Residential construction and demolition.* No person shall operate or cause the outdoor operation within any residential zoning district of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day, except for emergency work by public service utilities or for road construction by or on behalf of a governmental agency which is required by the governmental agency to be done at night. This prohibition does not apply to construction taking place in commercial or industrial zoning categories, to golf course maintenance, nor to delivery and installation of concrete and other materials associated with residential slab installation.
- (2) *Vehicular refrigeration units.* Vehicular refrigeration units located within residential zoning districts shall not be operated between the hours of 9:00 p.m. and 6:00 a.m. the following day.

For purposes of this article the term "residential zoning districts" shall include those areas zoned as Ranchette District (RA), Agricultural Residential (AR), Rural Residential (R-1), Estate Residential (R-2), Medium Residential District (R-3), Medium Suburban Residential District (R-4), Urban Residential District (R-6), Mixed Residential District (R-7), Multifamily Residential (R-10), Residential Professional (RP), Mobile Home Rental Park District (RMRP), Mobile Home Residential (RM), Recreational Vehicle Park District (RV) and residential Planned Unit Developments (PUD).

(Ord. No. 2005-3, § 2, 1-4-05; Ord. No. 2017-49, § 2, 10-10-17)

Sec. 14-36. Knowledge and permission of property owner or occupant.

The continuation of excessive noise shall be deemed to continue with the knowledge and permission of the property owner or occupant.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-37. Exemptions.

The following uses and activities shall be exempt from the provisions of this article:

- (1) Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, and including any required equipment testing of emergency vehicles during non-emergency times.
- (2) Sounds resulting from emergency work. Emergency work shall be defined to mean any work made necessary to restore property to a safe condition following an emergency, or to protect property threatened by an imminent emergency, to the extent such work is necessary to protect persons or property from exposure to imminent danger or damage.
- (3) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations; and any aircraft operating under technical difficulties in any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
- (4) All sounds coming from the normal operation of interstate motor and rail carriers, to the extent that local regulation of sound levels of such vehicles has been preempted by the Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or regulations.
- (5) Sounds coming from motor vehicles to the extent they are regulated by F.S. § 316.293.
- (6) Any nonamplified noise generated by noncommercial public speaking activities conducted on any public property or public right-of-way pursuant to legal authority.
- (7) Sounds produced at:
 - a. Organized sporting events;
 - b. Events with an approved special event permit;
 - c. By fireworks; and
 - d. By permitted parades on public property or public right-of-way.
- (8) Construction of commercial or industrial structures properly permitted by the agency having jurisdiction over such property.
- (9) Sounds produced by normal agricultural activities located in appropriate zoning districts.

(Ord. No. 2005-3, § 2, 1-4-05; Ord. No. 2013-4, § 3, 1-22-13)

Sec. 14-38. Liberal, non-conflicting construction.

The provisions of this article shall be liberally construed such that its purpose is effectively rendered in the interest of the health, safety and welfare of the citizens and residents of Lake County. Likewise, said provisions shall be interpreted so as not to conflict with, but be supplemental to, all applicable Lake County Codes, land development regulations, and all other laws, rules, ordinances and regulations.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-39. Enforcement and penalties.

- (a) *Criminal penalties.* The sheriff of Lake County, Florida, and his deputy sheriffs are hereby authorized and empowered to investigate and to arrest any person when there is probable cause to believe that said person is violating any provision of this article and said person has been previously warned by a deputy sheriff that his actions or omission of actions constitutes conduct in violation of this article. Pursuant to section F.S. § 125.69, any person who violates any provision of this article shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment.
- (b) *Code enforcement special master.* The Lake County Code Enforcement Special Master shall have concurrent jurisdiction to enforce the provisions of this article.
- (c) *Civil penalties.* A code enforcement officer or any law enforcement officer is hereby authorized to issue civil citations for the violation of any provision of this article, when based upon personal investigation, the officer has reasonable and probable grounds to believe that a violation has occurred. Any citation issued hereunder shall be a non-criminal infraction. The citation form shall be that which has been approved by the board of county commissioners.
 - (1) A citation for initial violation of section 14-34 which is not contested shall carry a reduced civil penalty of one hundred fifty dollars (\$150.00), provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for initial violation of section 14-35 which is not contested shall carry a reduced civil penalty of fifty dollars (\$50.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
 - (2) A citation for a repeat violation which is a second violation of section 14-34 which is not contested shall carry a reduced civil penalty of three hundred dollars (\$300.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for a repeat violation which is a second violation of section 14-35 which is not contested shall carry a reduced civil penalty of one hundred dollars (\$100.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
 - (3) A citation for repeat violation of section 14-34, other than a second violation, and which is not contested, shall carry a reduced civil penalty of four hundred fifty dollars (\$450.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation. A citation for repeat violation of section 14-35, other than a second violation, and which is not contested, shall carry a reduced civil penalty of one hundred fifty dollars (\$150.00) provided that such reduced civil penalty shall be paid to the clerk of the county court within ten (10) days of the alleged violator's receipt of the citation.
 - (4) An alleged violator may contest the citation by requesting a hearing date from the clerk of the court within ten (10) days of the receipt of the citation. A person who requests a hearing date shall be deemed to have waived the right to pay the reduced civil penalty.
 - (5) If a citation for violation of this article is contested, the civil penalty imposed by the county court shall not exceed five hundred dollars (\$500.00).
 - (6) Any person who willfully refused to sign and accept a citation issued by the officer shall be guilty of a misdemeanor of the second degree, punishable as provided for in F.S. Ch. 775.

-
- (7) After issuing a citation to the alleged violator, the officer shall deposit the original citation and one (1) copy with the clerk of the county court in Lake County.
 - (8) The county court, after a hearing, shall determine whether the alleged violator has committed an infraction. If the commission of an infraction has been proven by the greater weight of the evidence, the county court may impose a civil penalty not to exceed five hundred dollars (\$500.00).
 - (9) A person who fails to pay the reduced civil penalty within ten (10) days of receipt of the citation, or who fails to request a hearing, or who requests a hearing but fails to appear, shall be deemed to have waived the right to contest the citation, and the county court may enter judgment against the person for an amount not to exceed five hundred dollars (\$500.00).

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-40. Other remedies.

The violation of any provision of this article which endangers the public health, safety and quality of life of residents in the area in hereby declared a public nuisance, and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 2005-3, § 2, 1-4-05)

Sec. 14-41. Separate violation.

Each separate occurrence shall be a separate violation.

(Ord. No. 2005-3, § 2, 1-4-05)

Secs. 14-42—14-50. Reserved.