

ORDINANCE NO. 2019-043019-01

AN ORDINANCE OF JEFFERSON COUNTY, FLORIDA, ESTABLISHING A TEMPORARY NOISE RESTRICTION ON TEMPORARY USES AND EVENTS; PROVIDING FOR AUTHORITY; PROVIDING FINDINGS; PROVIDING TEMPORARY NOISE RESTRICTION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY.

The authority for the Ordinance is Section 1(f), Article VIII of the Constitution of the State of Florida and Sections 125.01 and 125.66, Florida Statutes.

SECTION 2. FINDINGS.

WHEREAS, Section 125.01(1), Florida Statutes, provides that the legislative and governing body of a County shall have the power to carry on County government and that said power includes, but is not restricted to, the enumerated powers set forth in Section 125.01, Florida Statutes, so long as any powers exercised are not inconsistent with general law; and

WHEREAS, Section 125.01(1)(t), Florida Statutes, provides that a County may adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, Sections 125.01(3)(a) and (b), Florida Statutes, recognize that the enumeration of powers in Section 125.01(1), Florida Statutes, incorporates all implied powers necessary and incident to carry out those powers and that Section 125.01, Florida Statutes, shall be liberally construed in order to effectively carry out the purpose of the section and to secure for counties the broad exercise of home rule powers authorized by the State Constitution; and

WHEREAS, the County permits temporary uses in its various land use districts for activities such as performances, gatherings and craft shows, etc., but has not adopted standards for the regulation of noise generated by such temporary uses; and

WHEREAS, the County recently permitted a temporary use which generated and produced significant electrically amplified noise and sound during the evening hours, resulting in numerous citizen complaints lodged by persons residing in residential neighborhoods near the

event, all of this despite the assurances by the promoters of the event that the sound would be turned down later in the evening; and

WHEREAS, the purpose of this ordinance is to place a temporary noise restriction on activities held pursuant to a County issued temporary use permit, including activities that would require a temporary use permit even if such permit was not obtained, such that no amplified noise or sound can be generated at such events daily between the hours of 11:00PM and 7:00AM; and

WHEREAS, the Board of County Commissioners hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

### SECTION 3. TEMPORARY NOISE RESTRICTION.

A temporary noise restriction pertaining to activities and events held pursuant to County issued temporary events permits is hereby imposed as follows:

(A) Temporary Noise Restriction.

Beginning on the effective date of this Ordinance and continuing through August 30, 2019, or sooner if provided by an ordinance of the Board of County Commissioners, the following temporary noise restriction is hereby imposed on events or activities undertaken or held pursuant to a temporary use permit issued pursuant to Land Development Code Section 9.14.0 issued by Jefferson County, including events or activities that would have required a temporary use permit even if such permit was not obtained. No such event or activity shall generate, produce or emit electrically amplified noise or sound between the hours of 11:00PM and 7:00AM daily.

(B) Study and Recommendations:

During the period described herein above, County staff is hereby directed to study potential noise regulations applicable to temporary uses, and for all other uses County wide, and the impact of noise on the health, safety, and welfare of residents and businesses located within the County, and, if staff determines it is advisable, to develop and recommend noise regulations for the County.

(C) Penalties.

Any person or entity who violates Section 3(A) of this ordinance, or who fails to comply therewith, shall be subject to the penalties as prescribed in Code of Ordinances Sec. 1-8 and/or Chapter 21.

### SECTION 4. SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5: COPY ON FILE

A certified copy of this enacting ordinance shall be filed with the Clerk of the Circuit Court.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be filed with the Office of the Secretary of the State of Florida and shall immediately take effect upon receipt of official acknowledgment from the Department of State that the same has been filed.

PASSED AND DULY ADOPTED on second reading by a majority vote of the Board of County Commissioners of Jefferson County this \_\_\_\_ day of \_\_\_\_, 2019.

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA

\_\_\_\_\_  
Betsy Barfield, Chair

ATTESTED BY:

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Kirk Reams, Clerk of the Circuit Court

APPROVED as to FORM:

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Scott Shirley, County Land Use Attorney