

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE V OF THE ORANGE COUNTY CODE OF ORDINANCES, KNOWN AS THE “NOISE CONTROL ORDINANCE OF ORANGE COUNTY, FLORIDA”; AMENDING PROVISIONS PERTAINING TO DEFINITIONS, SOUND LEVEL LIMITS, STANDARDS FOR MEASURING SOUND, EXEMPTIONS, VARIANCES, AND METHODS OF ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in October 1986, the Orange County Board of County Commissioners (the “Board”) enacted the Noise Control Ordinance of Orange County, Florida (the “Noise Control Ordinance”);

WHEREAS, the Board subsequently amended the Noise Control Ordinance in the years of 1995, 2008, and 2014; and

WHEREAS, the Board desires to further amend the Noise Control Ordinance to amend definitions, the maximum allowable sound level limits, and certain other provisions of the Noise Control Ordinance.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendments to the Noise Control Ordinance. Chapter 15, article V of the Orange County Code, consisting of sections 15-176 through 15-215, is hereby amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

ARTICLE V. NOISE POLLUTION CONTROL

Sec. 15-176. Title.

This article shall be known and may be cited as the “Noise Control Ordinance of Orange County, Florida.”

Sec. 15-177. Authority.

42 This article is enacted pursuant to Article II, § 7, Florida
44 Constitution, which provides that adequate provision shall be made
46 by law for the abatement of excessive and unnecessary noise, and
under the home rule power of Orange County, Florida, specifically,
F.S. § 125.01(1), and the County Charter.

48 **Sec. 15-178. Scope.**

50 This article shall be effective throughout the unincorporated
area of the county.

52 **Sec. 15-179. Purpose; intent; authority and responsibility of
54 environmental protection officer and investigating officer.**

56 (a) The purpose of this article is to prevent, prohibit, and
also provide for the abatement of, excessive and unnecessary noise,
58 known as noise disturbance, in order to protect the health, safety,
and general welfare of people of the county.

60 (b) It is the intent of this article to clearly define and describe
the respective authority and responsibility under this article for the
62 environmental protection officer and the investigating officer
relating to noise disturbance investigation and enforcement, unless
64 the noise disturbance is otherwise exempt under this article.

66 (c) Nothing in this article is intended to deter individuals
68 from lawfully exercising the individual right of freedom of speech,
or any other freedoms guaranteed under the Constitution of the
70 United States of America or the Constitution of the State of Florida,
or to unreasonably limit or restrain commercial or industrial
enterprises.

72 ~~(ed)~~ The environmental protection officer shall have the
74 authority pursuant to this article to investigate and, if applicable,
issue a notice of violation or civil citation as provided in this article
76 in any case involving a noise disturbance emanating from residential
property under construction or a nonresidential property that
78 exceeds the allowable limits set forth in section 15-182 of this
article.

80 ~~(de)~~ The investigating officer shall have the authority
82 pursuant to this article to investigate and, if applicable, issue a civil
or criminal citation for a violation of the plainly audible standard, as
84 established in section 15-183(b), and noise disturbance complaints
which may involve the consumption of alcohol or any suspected

86 illegal activities and noise disturbance complaints involving “breach
88 of the peace” as defined in F.S. § 877.03.

90 **Sec. 15-180. Terminology, standards, and definitions.**

92 (a) *Terminology and standards.* All technical acoustical
94 terminology and standards used in this article that are not defined in
96 subsection (b) shall be read or construed in conformance with the
American National Standards Institute, Inc., (“ANSI”) publication
entitled “Acoustical Terminology,” designated as ANSI standard
1.1-1994.

98 (b) *Definitions.* The following words, terms and phrases,
100 when used in this article, shall have the meanings ascribed to them
102 in this section, unless the context clearly indicates a different
meaning:

- 104 (1) *A-weighted sound pressure level* shall mean the sound
106 pressure level, in decibels, as measured on a sound level
meter using the A-weighting network. The level so read
shall be designated as dB (A-wt).
- 108 (2) *ANSI* shall mean the American National Standards
110 Institute, Inc.
- 112 (3) *Background noise level* shall mean the sound pressure
114 level of the all-encompassing noise emanating from a
given environment, usually being a composite of sounds
from many sources.
- 116 (4) *Breach of the peace* shall mean as defined in F.S. §
118 877.03.
- 120 (5) *Construction* shall mean any site preparation, assembly,
122 erection, substantial repair, alteration, or similar action,
for or on public or private thoroughfares, structures,
utilities or similar property.
- 124 (6) *Decibel* or *dB* shall mean a unit for describing the
126 amplitude of sound, equal to twenty (20) times the
logarithm to the base ten (10) of the ratio of the pressure
128 of the sound measured to the reference pressure, which
is twenty (20) micronewtons per square meter.
- 130 (7) *Development permit* shall have the meaning as described
in F.S. § 163.3164.

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(8) *Demolition* shall mean any dismantling, destructing or razing of structures, utilities, public or private thoroughfares, or similar property.

(9) *Distance measuring device* shall mean an electronic device that utilizes [global positioning \(GPS\) software or a similar software application, such as Google Maps or Google Earth](#); a measuring wheel; counting paces; a speed measurement device, such as a device used by law enforcement agencies; or other means or methods utilized to reasonably estimate distances.

~~(910)~~ *Emergency* shall mean any occurrence or circumstance involving actual or imminent physical death or trauma, environmental harm, or property damage, demanding immediate emergency work or service.

~~(1011)~~ *Emergency work or emergency service* shall mean any labor performed for the purpose of preventing or alleviating, or attempting to prevent or alleviate, physical trauma or property damage threatened or caused by an emergency, or work by private or public utilities when restoring utility service.

~~(1112)~~ *Environmental protection officer* shall mean the county environmental protection officer, as defined in this chapter, or his/her designee.

~~(1213)~~ *Equivalent sound pressure level (Leq)* shall mean a sound level descriptor based on the average acoustic intensity over time. Leq is intended as a single number indicator to describe the mean energy or intensity level over a specified period of time during which the sound level fluctuated, Leq is measured in dB and must be A-weighted.

~~(1314)~~ *Impulsive sound* shall mean a sound of short duration, usually less than one ~~(1)~~ second and of high intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, or pile driver impacts.

~~(1415)~~ *Intermittent sound* shall mean a sound of greater than one ~~(1)~~ second duration and less than fifteen (15) minutes. Examples of sources of intermittent sound are

air compressors, heating and air conditioning units and PA speakers.

(1516) *Investigating officer* shall mean the Orange County Sheriff or duly authorized Orange County Deputy Sheriff.

(1617) *Motor vehicle* shall mean any vehicle defined as “motor vehicle” by F.S. § 320.01(1).

(1718) *Noise or noise disturbance*, for purposes of this article, shall mean any sound produced in such quantity and for such duration that it annoys, disturbs or injures a reasonable individual of normal sensitivities, and exceeds the sound level limits set forth in this article or is plainly audible. Further, noise or noise disturbance includes, but is not limited to, low frequency sounds caused by amplified bass music that can induce vibration in building structures or human beings.

(1819) *Noise-sensitive zone* shall mean a quiet zone where serenity and quiet are of extraordinary significance, which is open or in session. Noise-sensitive zones include schools, public libraries, churches, hospitals, nursing homes, and other areas defined as such pursuant to a resolution adopted by the board of county commissioners.

(1920) *Person* shall mean an individual, association, partnership, or corporation, including any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

(2021) *Plainly audible* shall mean any ~~noise or noise disturbance~~ sound produced ~~by any source~~, or reproduced by ~~a radio, tape player, television, CD player, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic sound-making device~~ any source that can be clearly heard by a person using his/her normal hearing faculties, at a distance as defined in subsection 15-183(b)(1) from the property line or right-of-way line of the source of the ~~noise disturbance~~ sound. When the particular sound or noise involves words or phrases, sound or noise may be deemed as “clearly heard” even though the investigating officer cannot

224 determine the specific words or phrases being uttered or
226 produced. The detection of a rhythmic bass ~~reverberating~~
vibrating component of music or type of noise
228 disturbance is sufficient to constitute a plainly audible
sound or noise.

230 ~~(2122)~~ *Property line* shall mean an imaginary line along the
232 surface of land or water, and its vertical plane extension,
which separates the real property owned, rented or leased
234 by a person from the real property owned, rented or
leased by another person. Where the real property
236 owned, rented or leased by a person abuts a waterbody,
the term “property line” shall mean the established
normal high water elevation of the waterbody.

238 ~~(2223)~~ *Public right-of-way* shall mean any street, avenue,
240 boulevard, highway, sidewalk, alley, or similar place
normally accessible to the public which is owned or
242 controlled by the state, county, or municipality.

244 ~~(2324)~~ *Residential area* shall mean an area of
unincorporated Orange County that predominantly
246 includes residential properties, i.e., single-family and
multifamily dwellings, townhouses or timeshare
248 condominiums.

250 ~~(2425)~~ *Sound* shall mean an oscillation in pressure, stress,
252 particle displacement, particle velocity or other physical
parameter, in a medium with internal forces. The
254 description of sound may include any characteristic of
such sound, including duration, intensity, and frequency.

256 ~~(2526)~~ *Sound level* shall mean the weighted sound pressure
258 level obtained by the use of a metering characteristic and
weighting A as specified in American National
Standards Institute specifications for sound level meters
260 (ANSI standard 1.4-1983). If the weighting employed is
not indicated, the A-weighting shall apply.

262 ~~(2627)~~ *Sound level meter* shall mean an instrument which
264 includes a microphone, amplifier, RMS detector,
integrator or time averager, output meter, and weighting
266 network used to measure sound pressure levels. The
output meter reads sound pressure level when properly
268 calibrated. The sound level meter shall be of Type 2 or
better, as specified in the American National Standards

270 Institute publication entitled “Specifications for
272 Integrating-Averaging Sound Level Meters” designated
as ANSI standard S1.43-1997 (R2007) and any
subsequent revision thereof.

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276 ~~(2728)~~ *Sound pressure* shall mean the instantaneous
278 difference between the actual pressure and the average
or barometric pressure at a given point in space, as
produced by the presence of sound energy.

280 ~~(2829)~~ *Sound pressure level* shall mean a twenty (20) times
282 the logarithm to the base ten (10) of the ratio of the root
mean square sound pressure to the reference pressure of
284 twenty (20) micronewtons per meter squared. The sound
pressure level is denoted Lp (or SPL) and is expressed in
decibels.

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288 (30) *Special event* shall mean an event for which the County
has issued a special event permit, as defined in chapter
38 of the Orange County Code, as it may be amended,
290 renumbered or replaced, that is subject to certain
292 requirements and conditions, including conditions for
limitations on the hours and sound produced by the
294 event, such as an Outdoor Public Assembly Permit,
Block Party Permit, Special Outdoor Event Permit and
similar special event permits.

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298 (31) *Unamplified human voice* shall mean a human voice that
is not enhanced or intensified in volume, effect, or force,
through the use of an amplifier, such as electronic or
300 mechanical equipment.

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304 (32) *Vehicle* shall mean any means in or by which someone
travels or something is carried or conveyed, including,
but not limited to, cars, trucks, trailers, and motorcycles.

306 **Sec. 15-181. Findings of fact.**

308 (a) Excessive and unnecessary noise interferes with the
310 quality of life and can interfere with the health, safety and general
welfare of the public.

312 (b) In particular, excessive and unnecessary noise can cause
314 adverse psychological and physiological effects on humans.

316 (c) A substantial body of science and technology exists by
which noise may be measured and substantially abated.

318 (d) The provisions and prohibitions contained in this article
320 are enacted in pursuance of and for the purpose of securing and
promoting the public health, safety, welfare and quality of life in the
322 county for its inhabitants.

324 **Sec. 15-182. Maximum permissible sound levels; land use
categories; times; and measurement descriptors.**

326 TABLE 1
328 MAXIMUM ALLOWABLE SOUND LEVEL LIMITS
(measured with sound level meter)

<i>Land Use Category</i>	<i>Measurement</i>	<i>Time of Day</i>	<i>Sound Level Limit (dB-dBA)</i>
Noise Sensitive Zone	Time Averaged (LEQ Leq)	Any time	55 dB -dBA
	Impulsive	7:00 a.m.—10:00 p.m.	60 dB -dBA
	Impulsive	10:01 p.m.—6:59 a.m.	Not allowed
Residential Area	Time Averaged (LEQ Leq)	7:00 a.m.—10:00 p.m.	60 dB -dBA
	Time Averaged (LEQ Leq)	10:01 p.m.—6:59 a.m.	55 dB -dBA
	Impulsive	7:00 a.m.—10:00 p.m.	65 dB -dBA
	Impulsive	10:01 p.m.—6:59 a.m.	Not allowed

330 **Sec. 15-183. Measurement or assessment of noise.**

332 (a) *Measurement with a sound level meter.*

334 (1) Sound shall be measured with an integrating-averaging
336 sound level meter satisfying at least the applicable
338 requirements for a Type 2 meter or better, as specified in
the American National Standard Institute publication
entitled, “Specifications for Integrating-Averaging
340 Sound Level Meters” designated as ANSI standard
S1.43-19971-2013.

342 (2) Calibration of all instruments, components, and
344 attachments shall conform to the latest ANSI standards.

346 (3) Measurements of sound under this subsection shall be
348 made by individuals trained in a noise measurement
program approved by the county.

- (4) Sound shall be measured outdoors, no closer than the nearest noise sensitive zone or residential area property line.
- (5) All sounds shall be measured for a period not less than fifteen (15) minutes in duration, except as provided in subsections (a)(6) and (a)(7).
- (6) Intermittent sounds shall be measured within a sixty-minute period. A minimum five ~~(5)~~ minute Leq of the sound shall be required to evaluate if a violation exists.
- (7) Impulsive sounds shall be measured for only the duration of the sound.
- (8) Except when site conditions are prohibitive, measurements shall be taken at approximately five ~~(5)~~ feet above the ground or water surface and at least five ~~(5)~~ feet away from any obstruction or reflecting surface.
- (9) At sites with background noise levels which are at, or in excess of, the applicable allowable levels of Table 1, the maximum allowable noise level will be three ~~(3)~~-dB above the allowable levels of Table 1, or one ~~(1)~~-dB above background, whichever is greater.

(b) *Assessment of noise without sound level meter.*

- (1) No person shall create a sound that is plainly audible at the time and distance requirements set forth in the following Table 2:

TABLE 2
PLAINLY AUDIBLE STANDARD SOUND LIMITS

<i>Underlying Land Use Category (from which noise emanates)</i>	<i>Time of Day</i>	<i>Distance</i>
Residential Area	7:00 a.m.—10:00 p.m.	500-100 feet or more
	10:01 p.m.—6:59 a.m.	150-50 feet or more
Nonresidential Area	7:00 a.m.—10:00 p.m.	500-200 feet or more
	10:01 p.m.—6:59 a.m.	300-100 feet or more

- (2) ~~Noise disturbances~~Sounds in violation of subsection 15-183(b)(1) shall be confirmed by the investigating officer. The investigating officer who hears a ~~noise disturbancesound~~ that may be plainly audible shall

390 assess the ~~noise disturbance~~ sound by measuring the
392 distance from the property line or right-of-way line of
394 the source of the ~~noise disturbance according to the~~
396 ~~following standards:~~ sound to a distance that exceeds the
398 distance requirement of the plainly audible standard
sound limits in subsection 15-183(b)(1). The
investigating officer shall measure such distance,
according to the following standards, to determine
whether the sound constitutes a noise disturbance:

- 400 a. The primary means of detection shall be the
402 investigating officer's normal hearing faculties,
404 provided the investigating officer's hearing is not
406 enhanced by any mechanical or medical device, such as
408 a hearing aid.
- 410 b. The investigating officer shall have a direct line of sight
412 and hearing to the real property that is the source of the
414 ~~noise disturbance~~ sound so that the investigating officer
can identify the offending source of such ~~noise~~
~~disturbance~~ sound and the distance involved.
- 416 c. The investigating officer shall use a distance measuring
device to measure the distances defined in subsection 15-
183(b)(1).

418 **Sec. 15-184. Prohibited acts.**

420 Subject to the provisions of sections 15-185 and 15-186, no
422 person shall produce, cause to be produced, or allow to be produced,
424 by any means, any noise disturbance on any private or public
property, including a right-of-way, when such noise is plainly
audible or when such noise is measured pursuant to section 15-183
and, where applicable, exceeds the applicable sound level limits set
forth in section 15-182.

426 **Sec. 15-185. Exemptions.**

428 The provisions of section 15-184 shall not apply to the
following sounds:

430 ~~(1a)~~ (1a) Lawn maintenance activities, from 7:00 a.m. until
432 ~~10:00~~ 9:00 p.m.;

434 ~~(2b)~~ (2b) Railway locomotives or cars activity conducted in
accordance with federal laws and regulations;

436 (3c) Church or clock carillons, bells or chimes from 7:00 a.m.
until 10:00 p.m.;

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440 (4d) Aircraft and airport activity conducted in accordance
with federal laws and regulations;

442 (5e) Law enforcement activities, including training;

444 (6f) Emergency signals during emergencies;

446 (7g) Emergency signal testing between 7:00 a.m. and 7:00
p.m.;

448 (8h) Emergency work or emergency service;

450 (9i) Generators used during or as a result of an emergency;

452 (j) Intermittent testing of generators and emergency
454 equipment between 8:00 a.m. and 6:00 p.m., consisting of no more
456 than two intermittent periods of 20 minutes each for testing within
458 any consecutive two hour period of time, with the exception that
460 temporary generators that are used to provide electrical power
during an electrical power outage are exempt from such time
462 limitations, provided that the generator or emergency equipment is
operated in accordance with the manufacturer's specifications, with
all standard equipment, and is in proper operating condition;

464 (10k) Motor vehicles operating on a public right-of-way
subject to F.S. § 316.293 and applicable federal criteria;

466 (11l) Refuse collection vehicles, including street sweepers,
while in the process of performing their intended activities;

468 (12m) Construction or demolition activities, other than the
470 placement of concrete as described in subsection (13n) below, for
which the county has issued a development permit, provided such
472 activity occurs between 7:00 a.m. and ~~10:00~~9:00 p.m.;

474 (13n) Placement of concrete associated with nonresidential
476 development activities, for which the county has issued a
development permit, when conducted between 3:00 a.m. and 10:00
478 p.m. If placement of concrete is planned to occur prior to 7:00 a.m.,
notice shall be provided to surrounding residential areas or noise
480 sensitive zones with in a maximum period of no more than fourteen
(14) calendar days and a minimum period of forty-eight (48) hours;

notice prior to commencement of ~~the this activity~~scheduled date of the placement of concrete. No more than one alternative date for the scheduled date of the placement of concrete shall be provided in such notice. The notice shall be distributed in accordance with the policies and procedures established by the Environmental Protection Division. A copy of the notice and distribution list shall be provided to the environmental protection officer at least forty-eight (48) hours prior to commencement of ~~this such concrete placement~~ activity;

(14o) Construction activities related to city, county, state or federal roads, highways or freeways;

(15p) Scheduled organized activities at a publicly-owned or operated facility;

(16q) The supervised public display of fireworks by fair associations, amusement parks, and other organizations or groups of individuals under the authority of and in compliance with public assembly permits issued by the county and other applicable requirements of law or other lawful use of fireworks;

(17r) Unamplified human voices;

(18s) Any motor vehicle engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged, or practice or time trials for such event, at a facility being used for such purposes as of October 15, 1995; and

~~(19t) Outdoor events for which the organizer has been issued a special outdoor event permit by Orange County, provided it is conducted in accordance with such permit. A special event, as defined in this article, provided that the special event is conducted in accordance with the requirements and conditions of the special event permit.~~

Sec. 15-186. Variances.

(a) The environmental protection officer may grant a variance from any provision of section 15-182 or 15-184.

(b) Any request for a variance from the requirements of this article shall be considered by the environmental protection officer and granted only when it is found that hardship would result from strict compliance with the provision from which a variance is sought. The environmental protection officer shall grant approval of a variance upon the determination that (1) the hardship is not self-

528 imposed; (2) the variance is necessary; and (3) the intent and
530 purposes of this article are achieved in granting the variance.

532 (c) Any person seeking a variance shall submit an
534 application to the environmental protection officer. At a minimum,
536 the applicant shall provide the following information:

- 538 (1) Identification of applicant;
- 540 (2) Applicant's mailing address;
- 542 (3) Legal description of property from which the sound will
544 emanate;
- 546 (4) Description of source of sound;
- 548 (5) Description of sound;
- 550 (6) Names and addresses of all abutting property owners;
~~and~~
- 552 (7) Facts and reasons justifying a variance-; and
- 554 (8) Noise compliance and compatibility study.

556 (d) The applicant for a variance shall tender an application
558 fee in an amount determined by the board of county commissioners.

560 (e) The environmental protection officer shall schedule a
562 hearing on the variance application. The environmental protection
564 officer shall notify the applicant for a variance and all abutting
566 property owners no less than ten (10) days before the hearing of the
568 time, date, and place of the hearing. If the variance application stems
570 from a complaint, then the environmental protection officer shall
572 notify the complainant.

(f) At the hearing, the applicant may submit any relevant
evidence or testimony. In deciding whether to grant or deny the
application, the environmental protection officer shall consider the
hardship which will result to the applicant, the community, and other
persons if the variance is not granted, versus the adverse impact on
the health, safety, and general welfare of persons if the variance is
granted. The environmental protection officer shall grant or deny the
variance application no later than ten (10) days after the date of the
hearing. In granting or denying a variance application, the
environmental protection officer shall state in writing on the

574 application the reasons for the decision. If the decision is to grant
the application, the environmental protection officer shall set forth
the terms and conditions of the variance.

576 (g) Any person aggrieved by the decision of the
578 environmental protection officer may appeal pursuant to the
provisions of section 15-38.

580 **Sec. 15-187. Enforcement/penalty.**

582 (a) It shall be unlawful for any person to violate any
584 provisions of this article, or any provisions of any resolution enacted
pursuant to this article. The provisions of this article may be
586 enforced by issuance of a letter of warning, a notice of violation,
civil citation, or criminal citation. Any person not in compliance
588 with this article, or any provisions of any resolution enacted
pursuant to the authority of this article, may be prosecuted in
590 accordance with chapter 11 of this Code or as provided in section 1-
9 of this Code. Each violation shall be considered a separate offense.

592 (b) When a complaint is investigated by the environmental
594 protection officer, pursuant to subsection 15-179(c), and a
determination is made that a violation of this article has occurred
596 without the issuance of the appropriate variance or special event
permit as provided in sections 15-186 and 15-187 of this article, or
598 not in accordance with this article, the environmental protection
officer shall promptly issue a letter of warning, written notice of
600 violation, or civil citation. If and when issued, a civil citation shall
be issued pursuant to the requirements provided at F.S. § 162.21,
602 which shall be punishable by a fine of two hundred dollars (\$200.00)
for the first offense and four hundred dollars (\$400.00) for the
604 second offense. A third and each subsequent violation of the same
provision requires a mandatory court appearance and may be
606 punishable by a fine of five hundred dollars (\$500.00). All such
fines are shown in Table 3 in subsection 15-187(f). If and when
608 issued, a notice of violation shall include a description of the site
where the violation has occurred, cite the provisions of this article
610 and other applicable laws that have been violated, and set forth the
required remedial action or actions to be taken as deemed reasonable
612 and necessary by the county. Such remedial action may include:

- 614 (1) Modification of the structure or business causing the
violation in order to comply with applicable local, state
616 or federal laws or regulations;

618 (2) Any other actions consistent with the purpose and intent
620 of this article or other applicable laws in order to
ameliorate the adverse impacts of the violation; and

622 (3) Administrative and civil penalties.

624 (c) (1) When a noise complaint is received and referred to the
investigating officer for investigation, pursuant to subsection 15-
626 179(d), and upon personal investigation the investigating officer
finds probable cause to believe the owner or operator of the real
628 property at issue is in violation of this article, the investigating
officer may issue a written warning to cease and desist the violation.

630 (2) If the owner or operator of the real property does not take
632 corrective action regarding such a cease and desist
warning within a reasonable time, which is defined to be
634 ~~fifteen (15)~~ five minutes or less, or if the noise or sound
is abated after the warning and then reoccurs within one
636 hundred eighty (180) days of the time of abatement, the
owner or operator of the real property at issue may be
638 found guilty of a civil infraction, with a maximum
penalty in an amount not to exceed five hundred dollars
640 (\$500.00).

642 (3) Upon determination that a violation of this article has
occurred, the investigating officer may issue a civil
644 citation pursuant to the requirements provided at F.S. §
162.21, which shall be punishable by a fine of two
646 hundred dollars (\$200.00) for the first offense and four
hundred dollars (\$400.00) for the second offense. A third
648 and each subsequent violation of the same provision
requires a mandatory court appearance and may be
punishable by a fine of five hundred dollars (\$500.00) or
650 by criminal citation as provided in section 1-9 of this
Code. All such fines are shown in Table 3 in subsection
652 15-187(f).

654 (d) If the person cited elects to pay the applicable reduced
civil penalty for a first or second violation, the person shall be
656 deemed to have admitted the infraction and waived the right to a
hearing. If the person cited fails to pay the civil penalty by the
658 fourteenth day after issuance of the citation or fails to request a court
hearing within the time prescribed, the person shall have waived any
660 right to contest the citation, and a judgment shall be entered against
the person cited in an amount up to the maximum civil penalty,
662 which shall not exceed five hundred dollars (\$500.00).

(e) Any person violating this article shall be liable for all costs incurred by the county in connection with enforcing this article or any provisions of any resolution enacted pursuant to this article, including, without limitation, attorneys' fees and investigative and court costs.

(f) Enforcement and penalty summary table.

**TABLE 3
ENFORCEMENT AND PENALTY SUMMARY**

<u>Enforcing Agency</u>	<u>Property Type</u>	<u>Penalty Type</u>	<u>Associated Fine</u>
<u>Orange County Environmental Protection Division (EPD)</u>	<u>Industrial, Commercial, or Residential</u>	<u>Notice of Violation</u>	<u>No fine (written warning only)</u>
		<u>Civil Citation – 1st Offense</u>	<u>\$200</u>
		<u>Civil Citation – 2nd Offense</u>	<u>\$400</u>
		<u>Civil Citation – 3rd Offense (includes mandatory court appearance)</u>	<u>Up to \$500.00 fine or criminal citation</u>
<u>Orange County Sheriff's Office (OCSO)</u>	<u>Residential and Nonresidential</u>	<u>Cease and Desist Violation</u>	<u>No fine (written warning only)</u>
		<u>Civil Citation – 1st Offense</u>	<u>\$200</u>
		<u>Civil Citation – 2nd Offense</u>	<u>\$400</u>
		<u>Civil Citation – 3rd Offense (includes mandatory court appearance)</u>	<u>\$Up to a \$500 fine or criminal citation</u>

Footnote: If a repeat violation is found, the case may be presented to the Special Magistrate, in accordance with chapter 11 of this Code or as provided in section 1-9 of this Code.

Sec. 15-188. No liability for reasonable, good faith trespass by enforcement officer or authorized designee or sheriff or deputy sheriff.

The environmental protection officer, the investigating officer, any other authorized code enforcement officer, and the county shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon private property while in the discharge of duties under this article.

Sec. 15-189. Reserved.

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690 **Sec. 15-190. Reserved.**

692 **Sec. 15-191. Administration.**

694 The board of county commissioners may adopt such
696 resolutions as are necessary to effectively administer this article.

698 **Secs. 15-192—15-215. Reserved.**

Section 2. Effective date. This ordinance shall take effect pursuant to general law.

700 ADOPTED THIS ____ DAY OF _____, ____.

702 ORANGE COUNTY, FLORIDA
704 By: Board of County Commissioners

706 By: _____
708 Jerry L. Demings
710 Orange County Mayor

712 ATTEST: Phil Diamond, CPA, County Comptroller
714 As Clerk of the Board of County Commissioners

716 By: _____
Deputy Clerk