



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

7/23/2024

Subject:

Ordinance Amending Chapter 46, Article IV, Section 46-129, Brevard County Code of Ordinances, Pertaining to Noise

Fiscal Impact:

None.

Dept/Office:

District 4 Commission Office

Requested Action:

It is requested that the Board of County Commissioners hold a public hearing and consider adopting an ordinance amending Chapter 46, Article IV, section 46-129 of the Brevard County Code of Ordinances.

Summary Explanation and Background:

Chapter 46, Article IV, of the Brevard County Code of Ordinances regulates excessive noise. Section 46-129 sets forth several exceptions to these noise regulations. Specifically, Section 46-129(9) exempts "landscape maintenance with stock sound arrestor between the hours of 7:00 a.m. and 8:00 p.m., provided that all equipment is reasonably operated in accordance with manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition."

Golf courses are unique recreational and sporting facilities that require meticulous maintenance to ensure optimal playing conditions for golf enthusiasts. Much of this maintenance must be performed either before a course opens, or after it closes. Exempting landscape maintenance activities on golf courses outside of the specified times currently set forth in Section 46-129(9) acknowledges their specialized operational needs.

At the July 9, 2024, Board of County Commissioners meeting, the Board approved legislative intent and permission to advertise an ordinance amending Chapter 46, Article IV, Section 46-129, Brevard County Code of Ordinances to exempt golf course landscape maintenance from County noise regulations at all hours.

The proposed ordinance was prepared by the County Attorney's Office following the Board direction and was duly noticed on July 12, 2024.

Clerk to the Board Instructions:

Upon approval by the Board, execution by the Chair, and attestation by the Clerk, file the ordinance with the Department of State as required by law within the 10-day deadline. Please return a copy of the executed ordinance with the Department of State's official acknowledgment of filing to the County Attorney's Office and

Brevard County Code Enforcement.



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July 24, 2024

M E M O R A N D U M

TO: Morris Richardson, County Attorney

RE: Item H.5., Ordinance Amending Chapter 46, Article IV, Section 46-129, Brevard County Code of Ordinances, Pertaining to Noise

The Board of County Commissioners, in regular session on July 23, 2024, adopted Ordinance No. 24-16, amending Chapter 46, Article IV, Section 46-129 of the Brevard County Code of Ordinances, pertaining to noise. Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: County Manager
Planning and Development
Parks and Recreation
Commissioner District 4

ORDINANCE NO. 2024-16

AN ORDINANCE AMENDING CHAPTER 46, "ENVIRONMENT," ARTICLE IV, "NOISE," SECTION 46-129, "EXEMPT ACTIVITIES OR ACTIONS," OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA TO PROVIDE AN EXEMPTION FROM THE APPLICATION OF ARTICLE IV FOR GOLF COURSE LANDSCAPE MAINTENANCE AT ALL HOURS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, Chapter 46, "Environment," Article IV, "Noise," of the Brevard County Code of Ordinances, regulates excessive noise; and

WHEREAS, currently, Section 46-129 exempts from Article IV the operation of landscape maintenance equipment with a stock sound arrestor between the hours of 7:00 a.m. and 8:00 p.m., provided that all equipment is reasonably operated in accordance with the manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition; and

WHEREAS, golf courses are unique recreational and sporting facilities that require meticulous maintenance to ensure the optimal playing conditions for golf enthusiasts; and

WHEREAS, exempting golf course landscape maintenance activities from County noise regulations at all times acknowledges the specialized nature of golf course maintenance and ensures that golf courses can conduct necessary tasks, such as mowing, edging, and other equipment operation, before the courses open and after they close; and

WHEREAS, this Ordinance enables golf courses to conduct essential upkeep, facilitating their role in providing a well-maintained and enjoyable environment for both players and the community; and

WHEREAS, the Board of County Commissioners finds that the provisions of this ordinance serve the community's interests while providing for the public comfort, safety, health, welfare, and quality of life of the residents of Brevard County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Brevard County, Florida, as follows:

Officially filed with the Secretary of the State on July 25, 2024.

NOTE: Underline indicates additions.
~~Strikethrough indicates deletions.~~
Asterisks (* * * *) indicate the omission of unchanged Code subsections.

SECTION 1. Section 46-129 of the Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 46-129. – Exempt activities or actions.

This article shall not apply to the following:

* * * *

(9) Landscape maintenance equipment with stock sound arrestor between the hours of 7:00 a.m. and 8:00 p.m., and the regular maintenance of greens, fairways, practice areas, and the like on golf courses at all times, provided that all equipment is reasonably operated in accordance with manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition.

* * * *

SECTION 2. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part.

SECTION 4. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida, and that the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5. Effective Date. This Ordinance shall become effective upon receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State.

DONE, ORDERED, AND ADOPTED by the Board of County Commissioners of Brevard County, Florida, in regular session, this 23rd day of July, 2024.

Attest:

BY:

Rachel Sadoff, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY:

Jason Steele, Chair
(as approved by the Board on JUL 23 2024)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 26, 2024

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2024-16, which was filed in this office on July 25, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh