

Meeting Date
September 1, 2015



AGENDA	
Section	New Business
Item No.	<i>VI.F.1</i>

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Allow the Sheriffs Office to enforce the noise ordinance considered, "Loud and Raucous". Section 46-130.				
DEPT/OFFICE:	Citizen Request / Gina Caracci				
Requested Action:	It is request the Board of County Commissioners criminalize prohibited acts of noise determined and enumerated as public nuisances under Part II, Code of Ordinance, Chapter 46, Article IV, Section 131.				
Summary Explanation & Background:	<p>I and others live near a home (drug house) that runs generators 24/7. They also have no water. Code Enforcement ran the decibel test and said (at the time) the generator doesn't reach the maximum sound levels. (Section C of Section 62-3371). So all Code enforcement does is fine them and take them to Court. They have done this for almost nine (9) years. The residents don't go to court or pay the fines, which turn into liens, which is useless as they won't sell their home.</p> <p>In the meantime, we have to deal with a loud and raucous noise, which is unlawful under Section 46-130. It is sometimes so loud I cannot escape it in my home. It vibrates my home (others are even closer). I have to wear earplugs to bed and dread taking them out. I can still feel it even with the earplugs in. The police say to call after 10PM and they will tell them to turn it off, if they answer the door. Even if they do turn it off, it is back on in a few hours or first thing in the morning. To call every night makes me a nuisance. I can be a "victim" and have them arrested, which will be public record after court. I shouldn't have to put myself and property at risk when they are "annoying, disturbing, injuring, and endangering the comfort, health, peace or safety..." (Section 46-130) of neighbors all around. There needs to be some immediate consequences, criminally, to stop a public nuisance. Why can't I defend my castle, but can't have peace and quiet in it?</p> <p>Contact: Gina Caracci PH: 321-252-2003 Gmc1971@juno.com</p>				
Clerk to the Board Instructions:					
Exhibits Attached:					
Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/> PR <input type="checkbox"/>
County Manager	Assistant County Manager, Frank Abbate		Department Director / Extension		
Stockton Whitten	Assistant County Manager, Venetta Valdengo				



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

September 2, 2015

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.F.1., Citizen Request by Gina Caracci to Allow Sheriff's Office to Enforce the Noise Ordinance Considered "Loud and Raucous", Section 46-130

The Board of County Commissioners, in regular session on September 1, 2015, authorized the County Attorney's Office to put together a solution to eliminate Gina Caracci's request of "Loud and Raucous" noise; authorized the County Attorney's Office, if necessary, to file the appropriate injunctive relief of public nuisance; and authorized the County Attorney Office to work with the Sheriff Department to determine if there is any kind of criminal activity going on at the location.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

cc: County Attorney

Meeting Date
September 1, 2015



AGENDA	
Section	New Business
Item No.	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Allow the Sheriff's office to enforce the noise ordinance considered "Loud & Raucous" Section 46-130
DEPT/OFFICE:	Citizen Request / Gina Caracci

Requested Action:

To criminalize prohibited acts of noise determined & enumerated as public nuisances under part II code of ordinances, Chapter 46 article IV, section 131.

Summary Explanation & Background:

I & others, live near a home (drug house), that runs generators 24/7. They also have no water. Code enforcement ran the decibel test & said (at the time) it doesn't reach the maximum sound levels. (Sec C of (Sec 62-2271)). So all they can do is fine them, & take them to court. They have done this for almost 9 years. They don't go to court or pay the fines which turn into liens, which is useless, as they won't sell their home. In the meantime, we have to deal with a Loud & raucous noise, which is unlawful under section 46-130. It is sometimes so loud, I cannot escape it at my home. It vibrates my home. (Others live even closer). I have to wear earplugs to bed & dread taking them out. I can still feel it even w/ them in. The police say to call after 10pm & they will tell them to turn it off - IF they answer the door. Even if they do turn it off, it's back on in a few hours or first thing in the morning. To call every night makes me a nuisance. I can be a "victim" & have them arrested, which will be public record after court. I shouldn't have to put myself & property @ risk when they are "annoying, disturbing, injuring & endangering the comfort, health, peace or safety..." of neighbors all around.

sec 46-130 → There needs to be some immediate consequences, criminally, to stop a public nuisance. Why can I defend my castle, but can't have peace & quiet in it? Thank you

Contact:

Gina Caracci
321-252-2003
gmc1971@juno.com

Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager, Frank Abbate	Department Director / Extension
Stockton Whitten	Assistant County Manager, Venetta Valdengo	