



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.22.

7/11/2023

Subject:

Legislative intent and permission to advertise an amendment to the Brevard County Code of Ordinances modifying Chapter 46 - Environment, Article IV. - Noise, and Section 62-2271. - Noise, of the Brevard County Code of Ordinances, relating to the regulation of noise.

Fiscal Impact:

None

Dept/Office:

District 2 Commissioner

Requested Action:

It is requested that the Board of County Commissioners (1) approve the Statement of Legislative Intent set forth below; (2) direct staff to prepare an ordinance amending Chapter 46 - Environment, Article IV. - Noise, and Section 62-2271. - Noise, of the Brevard County Code of Ordinances; (3) direct staff to process the proposed ordinance through the appropriate boards for comment and recommendation; and (4) schedule and advertise the ordinance for public hearing.

Summary Explanation and Background:

Chapter 46 - Environment, Article IV. - Noise, and Section 62-2271. - Noise, of the Brevard County Code of Ordinances regulate noise and provide performance standards for noise emissions, respectively.

Chapter 46 - Environment, Article IV. - Noise prohibits "loud and raucous" noise, which is defined as any sound which, because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the limits of unincorporated Brevard County.

Section 62-2271 of the Code provides for limitations on noise using an A-weighted decibel scale (dB(A)), with varying dB(A) limitations depending on the time of day and the use of the property from which the noise is generated.

Statement of Legislative Intent: The Commissioner proposes that staff draft an ordinance amending Chapter 46 - Environment, Article IV. - Noise, and Section 62-2271. - Noise, of the Brevard County Code of Ordinances Section 46-130 to accomplish the following:

- Replace the "loud and raucous" standard with a "plainly audible" standard, which would provide enforcement officers with an easily understood noise regulation that prohibits noises that are plainly audible at designated distances from a noise-emitting property. The "plainly audible" standard has

been upheld by Florida courts to be a constitutional method of regulating noise.

- Introduce an additional measurement standard for enforcement through the C-weighted decibel scale (dB(C)). Measurements in dB(C) allow for more accurate assessment of low frequency sounds and peak sound pressures from loud impulsive sources.

The proposed amendments would provide for a fair and standardized method for enforcement and would help address common disturbances associated with low frequency noise, such as vibration.

As the proposed ordinance would amend the County's land development regulations, staff will process the drafted ordinance through both the Planning and Zoning Board and the Building and Construction Advisory Committee. Staff will also solicit comments and recommendations from the Brevard County Sheriff's Office. The proposed ordinance will then be scheduled and advertised for a public adoption hearing before the Board of County Commissioners.

Clerk to the Board Instructions:

None



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July 12, 2023

MEMORANDUM

TO: Tom Goodson, Commissioner District 2

RE: Item F.22., Legislative Intent and Permission to Advertise an Amendment to the Brevard County Code of Ordinances modifying Chapter 46 – Environment, Article IV – Noise, and Section 62-2271 – Noise, of the Brevard County Code of Ordinances, Relating to the Regulation of Noise

The Board of County Commissioners, in regular session on July 11, 2023, approved the Statement of Legislative Intent as proposed; directed staff to prepare an ordinance amending Chapter 46 – Environment, Article IV – Noise, and Section 62-2271 – Noise, of the Brevard County Code of Ordinances; directed staff to process the proposed ordinance through the appropriate boards for comment and recommendation; and schedule and advertise the ordinance for public hearing.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

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cc: County Attorney