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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2014-__

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF ALACHUA COUNTY, FLORIDA,
AMENDING CHAPTER 110 OF THE ALACHUA COUNTY CODE
PERTAINING TO THE RESPONSIBILITY FOR ENFORCEMENT
AND ENFORCEMENT PROCEDURES OF THE ALACHUA
COUNTY NOISE CONTROL ORDINANCE; PROVIDING AN
EFFECTIVE DATE.

15 WHEREAS, Ordinance 1991-23, which created Chapter 110 of the Alachua County
16 Code, entitled "Noise Control", was adopted December 10, 1991; and

17 WHEREAS, enforcement of the noise ordinance is necessary for the effective regulation
18 of noise in Alachua County.

19 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
20 ALACHUA COUNTY, FLORIDA:

21 SECTION 1. Section 110.08 of the Alachua County Code is amended as follows:

22 **Sec. 110.08. Responsibility for enforcement; enforcement procedures.**

23 The primary responsibility for the enforcement of this chapter shall be done by the
24 Alachua County Sheriff's Office. Enforcement concerning section 110.03(e), "Animals
25 and birds," may also be done by the Alachua County Animal Control Department.

26 Enforcement concerning section 110.03(f), "Construction and demolition activity," may
27 also be done by the Alachua County Office of Codes Enforcement. For the purpose of
28 determining and classifying any noise as excessive and unnecessary noise or as an
29 unusually loud noise which is hereby declared unlawful and prohibited by this chapter,

1 the enforcement agency shall apply the measurement techniques provided in section
2 110.09 to determine if a violation of the noise control measurements standards in section
3 110.04 have been violated. However, a violation of this chapter may occur without
4 occasion of the measurements being made if specified in section 110.03 regarding
5 specific noise prohibitions. The following procedures shall be followed by the
6 enforcement agent when enforcing this chapter:

7 (a) The appropriate county enforcement agent shall investigate and determine
8 if any noise is in violation of the specific noise prohibitions provided in
9 section 110.03, or any noise level is in excess of the noise control
10 measurement standards in section 110.04.

11 (b) Measurement techniques, when required, shall be done in accordance with
12 section 110.09.

13 (c) If a noise level is found to be in violation of this chapter, and is being
14 processed in accordance with F.S. Sec. 162, then, the appropriate
15 enforcement agent shall give a warning to the person or persons
16 responsible for the unnecessary, excessive or offensive noise.

17 ~~(d) If the excessive noise is not eliminated or abated within a reasonable time~~
18 ~~after the warning, a notice of violation shall be issued, or the person in~~
19 ~~possession or control of the cause of the excessive noise may be arrested~~
20 ~~by the Alachua County Sheriff's Office and charged with violating this~~
21 ~~chapter.~~

22 (de) If the noise level is found to be in violation of this chapter by the Alachua
23 County Sheriff's Office, the ACSO may issue a warning, a notice of

1 violation, or arrest the person in possession or control of the cause of the
2 excessive noise and charge them with violating this chapter.

3 SECTION 2. Severability. If any section, phrase, sentence or portion of this ordinance is
4 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
5 portion shall be deemed a separate, distinct, and independent provision, and such holding shall
6 not affect the validity of the remaining portions hereof.

7 SECTION 3. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
8 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
9 of this ordinance shall become and be made a part of the Code of Laws and Ordinances of
10 Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to
11 accomplish such intention; and that the word "ordinance" may be changed to "section," "article,"
12 or other appropriate designation. The correction of typographical errors which do not affect the
13 intent of the ordinance may be authorized by the County Manager or designee without public
14 hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.

15 SECTION 4. Effective Date. A certified copy of this ordinance shall be filed with the
16 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
17 after enactment by the Board of County Commissioners, and shall take effect upon filing with
18 the Department of State.

19 DULY ADOPTED in regular session, this ____ day of _____, A.D., 2014.

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22 BOARD OF COUNTY COMMISSIONERS OF
23 ALACHUA COUNTY, FLORIDA

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26 By: _____
27 Lee Pinkoson, Chair

1 ATTEST:

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J.K. Irby, Clerk

6 (SEAL)

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10 APPROVED:

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13 Alachua County Sheriff

7/8/14

APPROVED AS TO FORM:

Alachua County Attorney