

Chapter 13 - NOISE AND VIBRATION CONTROL

Footnotes:

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Editor's note— *Ord. No. 99-2, § 1, adopted January 19, 1999, amended Ch. 13, Noise, to read as herein set out. Prior to such amendment, Ch. 13 contained §§ 13-1—13-8, derived from Ord. No. 78-7, §§ 1—8, adopted August 1, 1978. It should also be noted that § 3 of Ord. No. 99-2 provides that "...This Ordinance specifically supercedes the provisions in the Marion County Land Development Code, Article 5.5.15(d) & (e)."*

Sec. 13-1. - Title.

This chapter shall be known and may be cited as the "Noise and Vibration Control Ordinance of Marion County, Florida."

(Ord. No. 99-2, § 1, 1-19-99)

Sec. 13-2. - Authority.

This chapter is enacted pursuant to Fla. Const. Art. II Section 7, which provides that adequate provision shall be made by law for the abatement of excessive and unnecessary noise, and under the home rule power of Marion County, Florida, specifically, F.S. section 125.01(1).

(Ord. No. 99-2, § 1, 1-19-99)

Sec. 13-3. - Scope.

This chapter shall be effective throughout the unincorporated area of the county.

(Ord. No. 99-2, § 1, 1-19-99)

Sec. 13-4. - Purpose.

The purpose of this chapter is to prevent, prohibit and provide for the abatement of excessive and unnecessary noise and vibration in order to protect the health, safety, and general welfare of people of the county.

(Ord. No. 99-2, § 1, 1-19-99)

Sec. 13-5. - Terminology, standards, and definitions.

- (a) *Terminology and standards.* All technical acoustical terminology and standards used in this chapter which are not defined in subsection (b) shall be read or construed in conformance with the American National Standards Institute, Inc. ("ANSI") publication entitled "Acoustical Terminology," designated as ANSI S1.1-1960, or its successor publication.

- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:
- (1) *A-weighted sound pressure level* shall mean the sound 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).
 - (2) *Ambient sound level* or *background sound level* shall mean the background sound pressure level at a given location, normally specified as a reference level to study a new intrusive sound source. Ambient sound levels may be measured to provide a reference point for analyzing an intrusive sound to a given environment.
 - (3) *ANSI* shall mean the American National Standards Institute.
 - (4) *Construction* shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private thoroughfares, structures, utilities or similar property.
 - (5) *Decibel* or *dB* shall mean a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals per square meter.
 - (6) *Demolition* shall mean any dismantling, destructing or razing of structures, utilities, public or private thoroughfares, or similar property.
 - (7) *Emergency* shall mean any occurrence or circumstance involving actual or imminent physical death or trauma, or property damage, demanding immediate emergency work or service.
 - (8) *Emergency work* or *emergency service* shall mean any labor performed for the purpose of preventing or alleviating, or attempting to prevent or alleviate, an emergency.
 - (9) *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.
 - (10) *Leq*, see definition for "equivalent sound pressure level."
 - (11) *Motor vehicle* shall mean any vehicle defined as "motor vehicle" by F.S. § 320.01(1).
 - (12) *Multifamily residential dwelling* shall mean a building designed or used exclusively for residential occupancy by two (2) or more families.
 - (13) *Multifamily residential dwelling unit* shall mean the portion of a multifamily residential dwelling designed or used exclusively for residential occupancy by only one family.
 - (14) *Noise* shall mean any sound produced in such quantity and for such duration that it annoys, disturbs or may injure a man or woman of normal sensitivities.
 - (15) *Noise-sensitive zone* shall mean a quiet zone where serenity and quiet are of extraordinary significance, which is open or in session, and which is demarcated by conspicuous signage identifying it as a noise-sensitive or quiet zone. Noise-sensitive zones may 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.

- (16) *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.
- (17) *Plainly audible* means any electronically amplified music or sound that can be clearly heard by an officer using his normal hearing faculties not enhanced by any device such as a microphone or hearing aid. Where distance measurements are required by this section to determine whether sound is plainly audible for purposes of this article, measurements shall be taken in accordance with the following requirements:
- a. The officer must have a direct line of sight to the relevant location (i.e., the location of the noise, real property line, or motor vehicle), so that the officer can readily identify the distance involved.
 - b. The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.
- (18) *Public right-of-way* shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by the county.
- (19) *Pure tone* shall mean any sound which can be distinctly heard as a single pitch or a set of single pitches.
- (20) *Real property line* means either: (i) the imaginary line including its vertical extension that separates one parcel of real property from another; or (ii) the vertical and horizontal boundaries of a dwelling unit that is part of a multifamily dwelling unit such as a condominium, townhouse or apartment building.
- (21) *Residential areas* means recorded and unrecorded subdivisions and those areas in which there is a concentration of residential dwelling units on lots or tracts of less than five (5) acres.
- (22) *RMS sound pressure* shall mean the square root of the time averaged square of the sound pressure.
- (23) *Single-family residential dwelling* shall mean a detached dwelling containing complete housekeeping facilities for only one family, designed for or occupied exclusively by one family for usual domestic purposes, and having no enclosed space or cooking facilities or sanitary facilities in common with any other dwelling.
- (24) *Single-family residential dwelling lot* shall mean the parcel of land upon which a single family residential dwelling is located.
- (25) *Sound* shall mean an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium (typically air). The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.
- (26)

Sound level shall mean the sound pressure level obtained by the use of a sound level analyzer using weighting A, B, or C as specified in American National Standards Institute specifications for sound level analyzers (ANSI S1.4-1971), or successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

- (27) *Sound level analyzer* shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels. The output analyzer reads sound pressure level when properly calibrated. The sound level analyzer shall be of Type 2 or better, as specified in the American National Standards Institute publication entitled "Specifications for Sound-Level Meters," designated as ANSI S1.4-1971 or successor publications.
- (28) *Sound pressure* shall mean the instantaneous 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.
- (29) *Sound pressure level* shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals per square meter. The sound pressure level is denoted L_p (or SPL) and is expressed in decibels.
- (30) *Vibration measuring device (VMD)* means a three (3) component vibration measuring device.
- (31) *Vibration* shall mean a periodic motion of the particles of an elastic body or medium in alternatively opposite directions from the position of equilibrium when that equilibrium has been disturbed; the action of vibrating; the state of being vibrated. As applied in this chapter shall mean ground-borne vibration.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Sec. 13-6. - Findings of fact.

- (a) Sound or vibration that exceeds the thresholds provided for herein interferes with the quality of life and can interfere with the health, safety and general welfare of the public.
- (b) In particular, sound or vibration that exceeds the thresholds provided for herein can cause adverse psychological and physiological effects on humans.
- (c) A substantial body of science and technology exists by which noise may be measured and substantially abated.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Sec. 13-7. - Maximum permissible sound levels; land use acoustic categories; times; measurement descriptors; and adjustment for character of sound.

- (a) Table 1 lists land use acoustic categories described by the letter symbol A, B, C, and D. These land use acoustic categories are to be used for the correlating times set forth in Table 2, the Sound Level Limits. Subject to subsections (b), (c), and (d) of this section, the sound level limits set forth in Table 2 by the land use acoustic categories described in Table 1, shall not be exceeded at the receiving property line by noise emanating from either the same land use acoustic category or by a different land use acoustic

category. (For example, the sound level limit for a noise sensitive zone at any time is 55 dB(A) as shown in Table 2. This sound level limit of fifty-five (55) dB shall not be exceeded by sound emanating from a residential area at any time although the sound level limit of the residential use property is sixty-five (65) dB(A) from 7:00 a.m. until 10:00 p.m.).

TABLE 1—LAND USE ACOUSTIC

CATEGORIES

Letter Symbol for Land Use Acoustic Category	Description of Land Use Acoustic Category
A	Noise-sensitive zone.
B	Residential areas, hotels, motels, time share condominiums, picnic areas, recreation areas, playgrounds, active sports areas, or parks.
C	Commercial or professional/office areas where commerce, e.g. retail sales, and/or professional services are offered, or areas zoned as such, excluding commercial areas used for industrial uses.
D	Industrial or commercial areas where manufacturing, production/shipping, or other industrial uses occur.

TABLE 2—TIME AVERAGED (LEQ)

A-WEIGHTED SOUND PRESSURE

LEVEL LIMITS

Land Use Acoustic Category*	Time	Sound Level db(A)
A	Any time	55
B	7:00 a.m. to 10:00 p.m.	65
B	10:00 p.m. to 7:00 a.m.	55
C	7:00 a.m. to 10:00 p.m.	65
C	10:00 p.m. to 7:00 a.m.	60
D	Any time	75

*See Table 1 above for correlation of letter symbol with description of land use acoustic category.

(b) The sound level limits set forth in Table 2 shall be exceeded when the either of the following occur:

- (1) The Leq value for the required measurement period is greater than the established land use acoustic category limits in Table 2; or
- (2)

The sound at any one point in time exceeds the established land use acoustic category limits in Table 2 by a measured sound level of fifteen (15) decibels or more.

- (c) For any source of sound which emits a pure tone, the sound level limits set forth in Table 2 shall be reduced by five (5) dB(A).
- (d) The land use acoustic categories set forth in subsection (a) shall be subject to existing special use permits, special exceptions, conditional zoning, nonconforming uses, and variances.
- (e) Existing commercial uses as of the adoption date of this ordinance [from which this section derives] shall comply with the noise and vibration standards no later than six (6) months from said adoption date.
- (f) Existing industrial uses as of the adoption date of this Ordinance No. 99-2 shall comply with the noise and vibration standards no later than one year from said adoption date.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Sec. 13-8. - Measurement of sound.

- (a) Sound shall be measured with a sound level analyzer.
- (b) The sound level shall be measured at a distance no closer than the real property line of the parcel or lot from which the sound is emanating.
- (c) A measurement period shall not be less than five (5) minutes, must be continuous, must be taken at the time when any noise source is occurring, and must report the Leq value for the time period.
- (d) A measurement shall be recorded so as to secure and ensure an accurate representation of the sound.
- (e) A measurement should be taken at approximately five (5) feet above the ground or surface away from any obstructing or reflecting surface.
- (f) A microphone windscreen shall be required to avoid wind noise biasing of a measurement.
- (g) All manufacturer's directions on the operation of the sound level analyzer shall be followed (e.g., proper microphone angle).
- (h) All sound level analyzers used for measurement shall be in conformance with ANSI S1.4-1983 or successor publications.
- (i) Instrumentation for sound level measurements shall be type 2 or better (ANSI S1.4-1971) and must be capable of reporting values for the equivalent sound level (Leq) in the units of dB, A-weighted (dB(A)).
- (j) All octave and third octave band filter sets of the sound level analyzer shall be in conformance with ANSI S1.11-1976 or successor publications.
- (k) Calibration of all instruments, components, and attachments shall conform to the latest ANSI standards.
- (l) Measurements for sound shall be made by individuals trained and certified in a noise measurement program.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Sec. 13-9. - Enforcement based on plainly audible sound.

In addition to those general standards set forth in section 13-7, and unless otherwise exempted in this article, the following acts, and the causing thereof, are declared to be a violation of this section:

- (1) The use, operation or playing of any radio, television, phonograph, stereo set, tape player, sound amplifier, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible at a distance, herein prescribed in Table 3, away from the real property line of the source of the sound, to any person in a residential area.

TABLE 3—RESIDENTIAL DENSITY

Lot Width in Feet for Receiving Party	Distance in Feet from the Real Property Line
150 or more	50
85 to 149	35
75 to 84	25
45 to 74	15
Under 45	One-third of the lot width

- (2) The use, operation or playing of any radio, television, phonograph, stereo set, tape player, sound amplifier, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible to any person inside a multifamily dwelling unit, or the interior of a single family dwelling unit within a P-MH or P-RV zoning classification, other urban density residential dwelling, or the interior of an occupied building in a noise-sensitive zone.
- (3) The use, operation or playing of any radio, television, phonograph, stereo set, tape player, sound amplifier, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible at a distance of fifty (50) feet away from the real property line of the source of the sound, to any person in a commercial, industrial, or public space.

(Ord. No. 15-08, § 1, 6-16-2015)

Sec. 13-10. - Prohibited acts.

- (a) Subject to the provisions of sections 13-11 and 13-12, no person shall produce, cause to be produced, or allow to be produced, by any means, any sound within any private or public property, including a right-of-way, which sound, when measured pursuant to section 13-8, exceeds the applicable sound

level limits set forth in section 13-7.

- (b) Subject to the provisions of sections 13-11 and 13-12, no person shall produce, cause to be produced, or allow to be produced, by any means set forth in section 13-9, any sound within any private or public property, including a right-of-way, which sound, is plainly audible.
- (c) Subject to the provisions of sections 13-11 and 13-12, no person shall produce, cause to be produced, or allow to be produced, by any means, any ground-borne vibration at or beyond the property line of the parcel or lot from which the vibration is emanating in excess of that indicated in Table 4 as measured by the V.M.D.

TABLE 4—MAXIMUM ALLOWABLE GROUND-BORNE VIBRATION DISPLACEMENT

Frequency (Cycles per Second)	Vibration Displacement (In Inches)	
	Steady State	Impact
Under 10	.0005	.0010
10—19	.0004	.0008
20—29	.0003	.0006
30—39	.0002	.0004
40 and over	.0001	.0002

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, amended and renumbered former § 13-9 as § 13-10.

Sec. 13-11. - Exemptions.

The provisions of section 13-10 shall not apply to the following sounds or vibrations:

- (1) Railway locomotives or cars activity conducted in accordance with federal laws and regulations;
- (2) Household or farming tools, appliances and equipment meeting applicable manufacturer's specifications as to sound, from 7:00 a.m. until 10:00 p.m.;
- (3) Aircraft and airport activity conducted in accordance with federal laws and regulations;

- (4) Law enforcement activities, including training;
- (5) Emergency signals during emergencies;
- (6) Emergency testing between 7:00 a.m. and 7:00 p.m.;
- (7) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293, and applicable federal criteria;
- (8) Refuse collection vehicles not exceeding eighty-six (86) dB(A) from 7:00 a.m. to 7:00 p.m.;
- (9) Construction activities for which the county has issued a development permit, as defined in F.S. § 163.3164, provided such activity occurs between 7:00 a.m. and 10:00 p.m.;
- (10) Scheduled organized athletic contest at a publicly or privately owned or operated facility;
- (11) The supervised public display of fireworks by fair associations, amusement parks, and other organizations or groups of individuals or other lawful use of fireworks;
- (12) Agricultural and agricultural related activities on agriculturally zoned land; and
- (13) Activities allowed by existing special use permits, special exceptions, conditional zoning, non-conforming uses, or variances at existing noise levels.
- (14) Sound associated with activities allowed by right in a permitted and conforming commercial or industrial zoning classification shall be subject to section 13-7 (measured sound levels) and exempt from section 13-9 (enforcement based on plainly audible sound).
- (15) Noises from motor vehicles engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charges, including practice or time trials for such event, if otherwise permitted hereunder.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, amended and renumbered former § 13-10 as § 13-11.

Sec. 13-12. - Variances.

- (a) The board of adjustment may grant a variance from any provision of section 13-7 or 13-10.
- (b) Any person seeking a variance shall submit an application with the zoning department containing information which demonstrates that bringing the sound or vibration for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, community, or on other persons. At a minimum, the applicant shall provide the following information:
 - (1) Identification of applicant;
 - (2) Applicant's mailing address;
 - (3) Legal description of property from which the sound or vibration will emanate;
 - (4) Description of source of sound or vibration;
 - (5) Description of sound or vibration;
 - (6) Names and addresses of all abutting property owners; and

- (7) Facts and reasons justifying a variance.
- (c) The applicant for a variance shall tender an application fee in an amount determined by the board of county commissioners.
- (d) The zoning department shall schedule a hearing on the variance application with the board of adjustment. The department shall notify the applicant for a variance and all abutting property owners within three hundred (300) feet no less than ten (10) days before the hearing of the time, date, and place of the hearing. If department records show that the variance application stems from a complaint, the department shall also so notify the complainant.
- (e) At the hearing, the applicant may submit any relevant evidence or testimony. In deciding whether to grant or deny the application, the board of adjustment shall balance 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 board of adjustment 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 board of adjustment shall state in writing on the application, the reasons for their decision. If the board of adjustment's decision is to grant the application, they shall set forth the terms and conditions of the variance, including the effective date of the variance, the period of the variance, the time of day the variance may be used, the location where the sound or vibration may be created or caused, and the sound or vibration level limits.
- (f) No variance may exceed three hundred sixty-five (365) days.
- (g) If the board of adjustment grants the variance application, a written variance shall be issued to the applicant. However, the variance shall not be issued until the time for filing a notice of appeal pursuant to subsection (j) has expired. If a notice of appeal is filed, the variance shall not be issued unless the circuit court upholds the board of adjustment's decision.
- (h) The variance shall contain all the terms and conditions of the variance. A copy of the variance shall be retained by the zoning department. This copy shall be available for inspection upon request by the general public.
- (i) In the event of noncompliance with any term or condition of the variance, the board of adjustment shall provide notice of a public hearing as provided in paragraph (d), above, for consideration of the nature of the noncompliance and the possible revocation of the variance, and the right of all interested parties to present evidence at such hearing. If the board of adjustment determines that the noncompliance has not been eliminated within seven (7) calendar days following receipt of the notice of noncompliance, the board of adjustment shall revoke the variance, and shall so advise the variance holder by mail.
- (j) Any variance applicant or abutting property owner within three hundred (300) feet may appeal a decision of the board of adjustment on a variance application by submitting a notice of appeal with the clerk of the circuit court within thirty (30) calendar days after the decision is entered. The appeal shall be by certiorari to the circuit court in and for the 5th Judicial Circuit, Marion County, Florida, and shall be limited to a review of the record evidence presented at the public hearing conducted pursuant to paragraph (i), above.

- (k) Any variance holder may appeal a decision of the board of adjustment revoking a variance pursuant to subsection (i) by submitting a notice of appeal to the clerk of the circuit court within thirty (30) calendar days after the revocation. The appeal shall be by certiorari to the circuit court in and for the 5th Judicial Circuit, Marion County, Florida, and shall be limited to a review of the record evidence presented at the public hearing conducted pursuant to paragraph (i), above.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, amended and renumbered former § 13-11 as § 13-12.

Sec. 13-13. - Enforcement.

- (a) The code enforcement department is empowered to investigate any situation where a person is alleged to be violating section 13-10.
- (b) (1) If a code enforcement officer encounters a circumstance which reasonably indicates that a person is violating subsection 13-10(a), he shall measure the sound pressure level with a sound level analyzer to determine if the sound pressure level exceeds the level permitted under section 13-7. If the results of the test indicate that a violation of subsection 13-10(a) is occurring, the code enforcement officer is thereupon authorized to issue a citation to the person producing, causing to be produced, or allowing to be produced, the sound.
- (2) If a code enforcement officer encounters a circumstance which reasonably indicates that a person is violating subsection 13-10 (c), he shall measure the vibration at ground level with a V.M.D. If the results of the test indicate that a violation of subsection 13-10(c) is occurring the code enforcement officer is thereupon authorized to issue a citation to the person producing, causing to be produced, or allowing to be produced, the vibration.
- (c) Code enforcement officers and law enforcement officers are empowered to investigate any situation where a person is alleged to be violating subsection 13-10(b) and issue civil citations for the violation of any provision of said section, when based upon personal investigation, the officer has reasonable and probable grounds to believe that a plainly audible violation has occurred.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, amended and renumbered former § 13-12 as § 13-13.

Sec. 13-14. - Penalty.

- (a) A violation of section 13-10 shall be punished as provided in section 2-211 of the Marion County Code, as it may be amended.
- (b) A person who has been issued a citation shall be subject to a civil penalty.
- (1) For the first violation, a warning to eliminate or abate the violation within a reasonable time.
- (2) For the second violation, by a civil penalty of one hundred dollars (\$100.00).

(3) For third and subsequent violations, by a civil penalty of five hundred dollars (\$500.00).

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, amended and renumbered former § 13-13 as § 13-14.

Sec. 13-15. - Other remedies.

The board of county commissioners or any substantially affected person may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this chapter.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, renumbered former § 13-14 as § 13-15.

Sec. 13-16. - No liability for reasonable, good faith trespass by enforcement officer.

The sheriff 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 chapter.

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, renumbered former § 13-15 as § 13-16.

Sec. 13-17. - Administration.

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

(Ord. No. 99-2, § 1, 1-19-99; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, renumbered former § 13-16 as § 13-17.

Sec. 13-18. - Regulations on vessels.

(a) Adoption of regulations. Pursuant to the authority F.S. § 327.65(2)(a), Marion County imposes the following noise pollution and exhaust regulations on vessels.

- (1) No person shall operate or give permission for the operation of any vessel on the waters of Marion County in such a manner as to exceed the following sound level at a distance of fifty (50) feet from the vessel: for all vessels, a maximum sound level of ninety (90) dBA.
- (2) Any person who refuses to submit to a sound level test when requested to do so by a law enforcement officer is guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.

(b) *Definitions.* The following words and phrases, when used in this section shall have the meanings respectively assigned to them in this subsection.

- (1) *dBA* means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.
- (2) *Sound level* means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only a weighting and fast dynamic response need be provided.

(c) *Enforcement and penalties.* This section shall be enforced pursuant to F.S. §§ 327.70 through 327.74, as the same may be amended from time to time.

(Ord. No. 02-31, §§ 1—3, 12-3-2002; Ord. No. 15-08, § 1, 6-16-2015)

Editor's note— Section 1 of Ord. No. 15-08, adopted June 16, 2015, renumbered former § 13-17 as § 13-18.