

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA, MAKING FINDINGS; AMENDING SECTION 17-72 TO MODIFY AND EXPAND THE PROHIBITION OF CERTAIN NOISE NUSIANCES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AREA ENCOMPASSED; AND PROVIDING AN EFFECTIVE DATE AND INCLUSION IN THE CODE OF ORDINANCES.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA:**

**SECTION 1.** Background and Finding of Facts. The County finds that the creation and maintenance of loud, unreasonable, unnatural, and unusual noises or the creation and maintenance of sound levels that can be heard at a distance are injurious to the public health, comfort, safety and welfare of the people of Bay County and therefore constitute a public nuisance.

**SECTION 2.** Section 17-72 of the Bay County Code of Ordinances is amended as follows:

Sec. 17-72. Noise nuisances prohibited.

(a) [No change]

(b) It shall be unlawful for the owner of a parcel or real property or of a unit or units in a multi-unit building or buildings, or for any person to cause on public streets or on any parcel, sound levels, as measured at neighboring property lines, which exceed:

(1) In receptor areas zoned residential and conservation:

a. 60 dBA between 7:00 a.m. and 9:59 p.m.

b. 55 dBA between 10:00 p.m. and 6:59 a.m.

(2) In receptor areas zoned seasonal resorts, commercial and public/institutional:

a. 70 dBA between 7:00 a.m. and 9:59 p.m.

b. 65 dBA between 10:00 p.m. and 6:59 a.m.

(3) In receptor areas zoned agricultural or industrial, 75, dBA at all times.

(c) [No change]

(d) [No change]

(e) [No change]

(f) Sound Production Devices shall not be operated in such a manner that they are Plainly Audible at a distance of two hundred (200') feet from the building, structure or vehicle in which they are located. Noise which crosses a real property line and is Plainly

Audible within an enclosed residential structure (with all windows, doors and other openings secured) between the hours of 10:00 PM and 7:00 AM is prohibited.

(g) Violation of performance standards found in the Bay County Land Development Regulations (e.g., Section 603.3.a, Section 608.3.a, and Section 805.1) shall be deemed to be a noise nuisance.

(h) Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 dBA. Between 10:00 p.m. and 7 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80n decibels. Impulsive sounds which repeats four or more times in any hour shall meet the requirements of subsection (b) above. An impulsive sound means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

~~(i)~~ The following activities are exempt from the above sound level and noise prohibitions:

(1) Operating trash collection vehicles:

- a. In areas zoned residential, seasonal resort and agricultural, from 5:30 a.m. to 7:00 p.m.;
- b. In areas zoned commercial, industrial or public/institutional from 3:30 a.m. to 10:00 p.m.

(2) Constructing, repairing or demolishing buildings or structures or driving pilings:

- a. In areas zoned residential or seasonal resort, from 7:00 a.m. to 7:00 p.m., except at no times on Sundays;
- b. In areas zoned commercial, industrial, agricultural or public/institutional from 6:00 a.m. to 7:00 p.m.

(3) Operating domestic power tools and equipment, from 7:00 a.m. to 10:00 p.m. in all zoning areas;

(4) Operating nonemergency signaling devices and church bells, from 6:00 a.m. to 12:00 p.m. in all zoning areas;

(5) Operating heavy equipment and farm machinery:

- a. From 3:30 a.m. to 9:00 p.m. in areas zoned agricultural;
- b. From 7 a.m. to 10 p.m. in areas zoned ~~and~~ industrial;

~~c.b.~~ From 7:00 a.m. to 7:00 p.m. in areas zoned residential, seasonal resort, commercial, and public/institutional.

(6) Conducting routine road and utility operations, repairs and maintenance from 6:30 a.m. to 7:00 p.m., in all zoning areas;

(7) Conducting sporting and cultural events, from 6:30 a.m. to 10:30 p.m., in all zoning areas; and

(8) Playing and reproducing music and conducting entertainment events, from 7:00 a.m. to 11:00 p.m., in areas zoned seasonal resort, except as provided in subsections (d) and (e) above.

(j) Operating emergency signal equipment, conducting emergency road and utility repairs and maintenance, constructing roads or utilities when major road closure is required, and operating railway equipment are exempt from the above sound level and noise prohibitions, in all zoning areas, at all times.

DULY ADOPTED in regular session this \_\_\_\_ day of \_\_\_\_\_ 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
BAY COUNTY, FLORIDA

\_\_\_\_\_  
Bill Kinsaul, Clerk

\_\_\_\_\_  
Robert Carroll, Chairman

Approved as to form:

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Bay County Attorney's Office