

GULF COUNTY ORDINANCE NO. 99-03

AN ORDINANCE REGULATING NOISE WITHIN THE COUNTY, SETTING FORTH STATEMENT OF PURPOSE AND OBJECTIVES, PROHIBITING THE MAKING OF LOUD, UNREASONABLE, UNNATURAL OR UNUSUAL NOISES AS SET FORTH HEREIN, PROVIDING FOR ENFORCEMENT, ADOPTING A HEARING PROCEDURE, PROVIDING FINES AND PENALTIES FOR ENFORCEMENT, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The making, creation or maintenance of loud, unreasonable, unnatural or unusual noises which are prolonged and unusual in their time, place and use, and which are a detriment to the public health, comfort, safety, welfare and prosperity of the residents of the county, and

WHEREAS, There is overriding necessity of and for the public interest for the provisions and prohibitions contained in this ordinance regulating noise within the county as set forth and herein and the same is declared as a matter of legislative determination and public policy to further the protection of the public, and,

WHEREAS, The provisions and prohibitions contained in this ordinance and enacted herein are in pursuance of and for the purposes of protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity, and the peace and quiet of the county and its inhabitants.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. It shall be unlawful for a person within the county to make, continue, or cause to be made or continued, any loud or unusual noise which unreasonably either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others and the same is declared to be a public nuisance, and the following acts, among others, are hereby declared to be loud and disturbing noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - a. The playing, using or operating of, or permitting to be played, operated or used, any radio, receiving set, musical instrument, television set, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighborhood and vicinity thereof;
 - b. The playing, using or operating of, or permitting to be played, operated or used, any radio, receiving set, musical instrument, television set, phonograph or other machine or device for the producing or reproducing of sound between the

hours of 12:00 a.m. and 7:00 a.m. in such a manner as to be plainly audible at a disturbance of one hundred (100) feet from the building, structure or vehicle in which it is located or at any time or place so as to annoy or disturb the quiet, comfort or repose of reasonable persons or in any dwelling or residence;

- c. The playing, using or operating of, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound, upon the public streets or right of ways for the purpose of commercial advertising or attracting the attention of the public to any building or structure;
 - d. The keeping of any animal which, by frequent or long-continued noise, shall disturb the comfort or repose of reasonable persons in the vicinity thereof; or
 - e. The erection, including excavating, demolition, alteration or repair of any building between the hours of 12:00 a.m. and 7:00 a.m. which unreasonably either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others in the vicinity thereof.
2. A violation of this ordinance shall be deemed a civil infraction and the violator shall be issued a citation for such violation at the time of the violation. The citation shall include reference to this ordinance, indicate first, second or subsequent offense and indicating the amount of the fine imposed and providing a document to the violator indicating options for disposition of this matter as set forth in section 4 below. The sheriff of the county and his duly appointed deputies shall and are hereby directed to enforce the provisions of the ordinance and issue citation(s) to violators.
 3. Penalty for a first violation of this ordinance is a fine in the amount of \$250.00. Penalties for a second and any subsequent violation of this ordinance shall result in imposition of a fine in the amount of \$500.00 per occurrence.
 4. Following receipt of a citation by, the person charged with a violation of this ordinance the person may resolve the violation by payment of the fine indicated at the office of the Circuit Clerk, Gulf County Court House, Port St. Joe Florida within 30 days of the date of the violation or the person may contest the violation by presenting written objection to the citation and a request for a hearing before a special master appointed to review and hear the merits of the violation. Such request must be provided in writing by the person charged with a violation of this ordinance to the following address by certified mail within 30 days of the date of the citation for violation to:
Gulf County Hearing Master
c/o Chief Administrator's Office
1000 C. G. Costin, Sr., Blvd.
Port St. Joe, Florida 32456

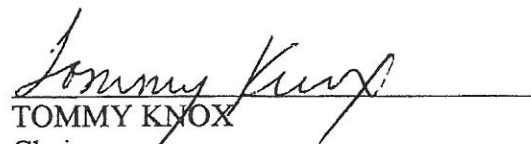
5. This ordinance shall take effect when its passage, approval and publication is accomplished pursuant to law.

Adopted this the 27th day of April, 1999

ATTEST:

GULF COUNTY BOARD OF COUNTY
COMMISSIONERS


BENNY C. LISTER, CLERK


TOMMY KNOX
Chairman