



46 WHEREAS, the Escambia County Board of County Commissioners has  
47 determined that the following amendment promotes and protects the general health,  
48 safety and welfare of the residents of Escambia County.  
49

50 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**  
51 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**  
52

53 **SECTION 1.** Chapter 42, Article III, Sections 42-61 through 42-70 of the  
54 Escambia County Code of Ordinances is hereby amended as follows:

55  
56 **Sec. 42-61. - Short title.**

57  
58 This article shall be known as the "County Noise Abatement Ordinance."  
59

60 **Sec. 42-62. - Authority and purpose.**

61  
62 This article is adopted pursuant to the general laws of the state to protect the  
63 health, safety and welfare of the residents and citizens of the county.  
64

65 **Sec. 42-63. - Definitions.**

66  
67 As used in this article, the following terms shall have the following meanings,  
68 unless the context clearly indicates that a different meaning is intended:  
69

70 *County administrator* means the county administrator of Escambia County or the  
71 county administrator's designee.  
72

73 *dbA's* means decibels shown in a reading made on a decibel A scale.  
74

75 *Decibel (dB)* means a unit for measuring the volume of a sound equal to 20 times  
76 the logarithm to the base ten of the ratio of the pressure of the sound measured to the  
77 reference pressure, which is 20 micropascals (20 micronewtons per square meter).  
78

79 *Emergency* means any occurrence or set of circumstances involving actual or  
80 imminent physical trauma or property damage demanding immediate attention.  
81

82 *Emergency work* means any work performed for the purpose of preventing or  
83 alleviating physical trauma or property damage, whether actually caused or threatened  
84 by an emergency, or work by private or public utilities when restoring utility service.  
85

86 *Noise sensitive area* includes, but is not limited to, a posted area where a school,  
87 hospital, nursing home, church, court, public library, or similar institution is located.  
88

89 *Person* means any individual, firm, association, partnership, joint venture, or  
90 corporation.  
91

92 *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk,  
93 alley, or similar place normally accessible to the public which is owned or controlled by  
94 a government entity.

95  
96 *Public space* means any real property or structures on real property, owned by a  
97 government entity and normally accessible to the public, including but not limited to  
98 parks and other recreational areas.

99  
100 *Residential area* means any real property which contains a structure or building  
101 in which one or more persons reside, provided that the structure or building is properly  
102 zoned, or is legally nonconforming, for residential use in accordance with the terms and  
103 maps of Escambia County's zoning ordinance.

104  
105 *Sound level meter* means an instrument used for measurement of the intensity of  
106 sound and accurately calibrated in decibels. Readings shall be made on a dbA scale.

107  
108 **Sec. 42-64. - General prohibition.**

109  
110 ~~(a) No person shall make, continue, or cause to be made or continued:~~

111  
112 ~~(1) Any unreasonably loud or raucous noise; or~~

113  
114 ~~(2) Any noise which unreasonably disturbs, injures, or endangers the comfort,~~  
115 ~~repose, health, peace, or safety of reasonable persons of ordinary~~  
116 ~~sensitivity, within the jurisdictional limits of Escambia County; or~~

117  
118 ~~(3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or~~  
119 ~~place as to occasion unreasonable discomfort to any persons within the~~  
120 ~~neighborhood from which said noise emanate, or as to unreasonably~~  
121 ~~interfere with the peace and comfort of neighbors or their guests, or~~  
122 ~~operators or customers in places of business, or as to create~~  
123 ~~unreasonable adverse effects on such residences or places of business.~~

124  
125 (a) It shall be unlawful for a person to make, cause, allow or permit to be made any  
126 unreasonably loud sound within the geographical boundaries of the County or  
127 within those areas over which the County has jurisdiction, including the waters  
128 and beaches adjacent to, abutting or bordering the County.

129  
130 (b) ~~Factors for determining whether a sound is unreasonably loud and raucous~~  
131 ~~include, but are not limited to, the following:~~

132  
133 ~~(1) The proximity of the sound to sleeping facilities, whether in residential or~~  
134 ~~commercial structures;~~

135  
136 ~~(2) The land use, nature, and zoning of the area from which the sound~~  
137 ~~emanates and the area where it is received or perceived;~~

- 138  
139 (3) ~~The time of day or night the sound occurs;~~  
140  
141 (4) ~~The duration of the sound; and~~  
142  
143 (5) ~~Whether the sound is recurrent, intermittent, or constant.~~  
144  
145 (b) Factors which may be considered in determining whether sound is unreasonably  
146 loud include, but are not limited to, the following:  
147  
148 (1) The volume of the sound.  
149  
150 (2) The intensity of the sound.  
151  
152 (3) Whether the nature of the sound is usual or unusual.  
153  
154 (4) The volume and intensity of the background sound, if any.  
155  
156 (5) The proximity of the sound to residential sleeping facilities.  
157  
158 (6) The nature and zoning of the area within which the sound emanates.  
159  
160 (7) The time of the day or night the sound occurs.  
161  
162 (8) The duration of the sound.  
163

164 **Sec. 42-65. Noises prohibited.**  
165

166 The following acts are declared to be per se violations of this article. This  
167 enumeration does not constitute an exclusive list:

- 168  
169 (a) *Unreasonable noises:* The unreasonable making of, or knowingly and  
170 unreasonably permitting to be made, any unreasonably loud, boisterous or  
171 unusual noise, disturbance, commotion or vibration in any boarding facility,  
172 dwelling, place of business or other structure, or upon any public street, park, or  
173 other place or building. The ordinary and usual sounds, noises, commotion or  
174 vibration incidental to the operation of these places when conducted in  
175 accordance with the usual standards of practice and in a manner which will not  
176 unreasonably disturb the peace and comfort of adjacent residences or which will  
177 not detrimentally affect the operators of adjacent places of business are  
178 exempted from this provision.  
179  
180 (b) *Vehicle horns, signaling devices, and similar devices:* The sounding of any horn,  
181 signaling device, or other similar device, on any automobile, motorcycle, or other  
182 vehicle on any right-of-way or in any public space of Escambia County, for more

183 than ten consecutive seconds. The sounding of any horn, signaling device, or  
184 other similar device, as a danger warning is exempt from this prohibition.  
185

186 (c) *Nonemergency signaling devices:* Sounding or permitting sounding any amplified  
187 signal from any bell, chime, siren, whistle or similar device, intended primarily for  
188 nonemergency purposes, from any place for more than ten consecutive seconds  
189 in any hourly period. The reasonable sounding of such devices by houses of  
190 religious worship, ice cream trucks, seasonal contribution solicitors or for traffic  
191 control purposes are exempt from the operation of this provision.  
192

193 (d) *Emergency signaling devices:* The intentional sounding or permitting the  
194 sounding outdoors of any emergency signaling device including fire, burglar, civil  
195 defense alarm, siren, whistle, or similar emergency signaling device, except in an  
196 emergency or except as provided in subsections (1) and (2) below.  
197

198 (1) Testing of an emergency signaling device shall occur between 7:00 a.m.  
199 and 7:00 p.m. Any testing shall use only the minimum cycle test time. In  
200 no case shall such test time exceed five minutes, testing of the emergency  
201 signaling system shall not occur more than once in each calendar month.  
202

203 (2) Sounding or permitting the sounding of any exterior burglar or fire alarm or  
204 any motor vehicle burglar alarm, shall terminate within 15 minutes of  
205 activation unless an emergency exists. If a false or accidental activation of  
206 an alarm occurs more than twice in a calendar month, the owner or person  
207 responsible for the alarm shall be in violation of this article.  
208

209 (e) *Radios, televisions, boomboxes, phonographs, stereos, musical instruments and*  
210 *similar devices:* The use or operation of a mobile device, radio, television,  
211 boombox, stereo, musical instrument, or similar device that produces or  
212 reproduces sound in a manner that is plainly audible to any person other than the  
213 player(s) or operator(s) of the device, and those who are voluntarily listening to  
214 the sound, and which unreasonably disturbs the peace, quiet and comfort of  
215 neighbors and passers-by, or is plainly audible at a distance of 100 feet from any  
216 person in a commercial, industrial area, or public space. The use or operation of  
217 a mobile device, radio, television, boombox, stereo, musical instrument, or similar  
218 device that produces or reproduces sound in a manner that is plainly audible to  
219 any person other than the player(s) or operator(s) of the device, and those who  
220 are voluntarily listening to the sound and unreasonably disturbs the peace, quiet,  
221 and comfort of neighbors in residential or noise sensitive areas, including  
222 multifamily or single-family dwellings.  
223

224 (f) *Loudspeakers, amplifiers, public address systems, and similar devices:* The  
225 unreasonably loud and raucous use or operation of a loudspeaker, amplifier,  
226 public address system, or other device for producing or reproducing sound  
227 between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m.  
228 and 10:00 a.m. on weekends and holidays in the following areas:

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- (1) Within or adjacent to residential or noise sensitive areas; and
- (2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

~~This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from Escambia County.~~

- (g) *Yelling, shouting and similar activities:* Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons or ordinary sensitivities.
- (h) *Animals and birds:* Unreasonably loud or raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels are exempt from this subsection.
- (i) *Loading or unloading merchandise, materials, equipment or commodities:* The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle or vessel at a place of business or residence. In times of emergency, whether declared or undeclared, such hours of loading and unloading shall be governed by the emergency operating hours provision of subsection 42-66(i).
- (j) *Construction or repair of buildings, excavation of streets and highways:* The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the county administrator may issue a permit, upon application, if the county administrator determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings of excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m., will not be impaired, and if the county administrator further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.
- (k) *Noise sensitive areas; school, courts, churches, hospitals, and similar institutions:* The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the

275 workings of the institution or which disturbs the persons in these institutions;  
276 provided that conspicuous signs delineating the boundaries of the noise sensitive  
277 area are displayed in the streets surrounding the noise sensitive area.

278  
279 (l) *Blowers, and similar devices:* In residential or noise sensitive areas, between the  
280 hours of 10:00 p.m. and 7:00 a.m., the operation of any noise-creating blower,  
281 power fan, or any internal combustion engine, the operation of which causes  
282 noise due to the explosion of operating gases or fluids, provided that the noise is  
283 unreasonably loud ~~and raucous~~ and can be heard across the property line of the  
284 property from which it emanates.

285  
286 (m) *Commercial establishments adjacent to residential property:* Unreasonable loud  
287 ~~and raucous~~ noise from the premises of any commercial establishment, including  
288 any outdoor area which is part of or under the control of the establishment,  
289 between the hours of 10:00 p.m. and 7:00 a.m. when such noise creates  
290 unreasonable adverse effects on adjacent or nearby residences.

291  
292 **Sec. 42-66. - Exemptions.**

293  
294 Sounds caused by the following are exempt from the prohibitions set out in  
295 sections 42-64 and 42-65 and are in addition to the exemptions specifically set forth in  
296 section 42-65:

297  
298 (a) *Motor vehicles on traffic ways* of Escambia County, provided that the prohibition  
299 of section 42-65 (b) continues to apply.

300  
301 (b) *Repairs of utility structures* which pose a clear and immediate danger to life,  
302 health, or significant loss of property.

303  
304 (c) *Sirens, whistles, or bells* lawfully used by emergency vehicles, or other alarm  
305 systems used in case of fire, collision, civil defense, police activity, or imminent  
306 danger, provided that the prohibition contained in section 42-65(d) continues to  
307 apply.

308  
309 (d) *Emergency alerting sounds.* The emission of sound for the purpose of alerting  
310 persons to the existence of an emergency or the emission of sound in the  
311 performance of emergency work.

312  
313 (e) *Repairs or excavations of bridges, streets or highways* by or on behalf of  
314 Escambia County, the state, or the federal government, between the hours of  
315 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it  
316 impractical to perform the work between 7:00 a.m. and 7:00 p.m.

317  
318 (f) *Outdoor school and playground activities.* Reasonable activities conducted on  
319 public playgrounds and public or private school grounds, which are conducted in

320 accordance with the manner in which such spaces are generally used, including  
321 but not limited to, school athletic and school entertainment events.  
322

323 (g) *Special outdoor events.* Outdoor gatherings, public dances, shows and sporting  
324 events, and other similar outdoor events, provided that a permit authorizing a  
325 limited waiver of the restrictions in the noise abatement ordinance has been  
326 obtained from the Escambia County Board of County Commissioners pursuant to  
327 the following procedure:  
328

- 329 1. The applicant shall file a permit application with the county administrator  
330 on a form prepared by the county which shall set forth at the minimum:  
331
  - 332 a. The name and address of the applicant.
  - 333 b. The address of the site for the event.
  - 334 c. The dates and time of the event.
  - 335 d. The activity which will exceed the limits established by the noise  
336 abatement ordinance.
  - 337 e. The steps that will be taken to minimize the disturbance to the  
338 surrounding or neighboring properties.
- 339 2. The county administrator shall provide the permit application as well as  
340 any other available information, to the board of county commissioners for  
341 consideration at a meeting of the board of county commissioners.  
342
- 343 3. A permit granted by the board of county commissioners shall indicate the  
344 dates and times during which noise at the subject event may exceed the  
345 limits established by the noise abatement ordinance. However, if a permit  
346 does not indicate the applicable times for the waiver, then the permit shall  
347 not allow the excessive noise to begin earlier than 12:00 noon or to extend  
348 beyond 10:30 p.m. or to continue for a period of more than four hours  
349 between the hours of 12:00 noon and 10:30 p.m.  
350
- 351 4. The board of county commissioners may impose any other conditions on  
352 the permit as it deems necessary to reduce the disturbance to surrounding  
353 or neighboring properties.  
354
- 355 5. Violation of the terms or conditions set forth in the permit shall constitute a  
356 violation of the Escambia County Noise Abatement Ordinance.  
357

358 (h) *Pensacola Interstate Fair.* The Pensacola Interstate Fair, a traditional two-week  
359 event held each October at the Pensacola Fair Grounds, is exempt from the  
360 restrictions of this noise ordinance. This exemption applies only to the Pensacola  
361  
362  
363  
364  
365



366 Interstate Fair and does not exempt another event or activity held at the  
367 Pensacola Fair Grounds.

368  
369 (i) *Emergency operating hours.* During times of emergency, whether declared or  
370 undeclared, the prohibited operating hours established by this noise ordinance  
371 for those commercial/industrial activities necessary to the public health, safety,  
372 and welfare may be temporarily suspended by resolution of the board of county  
373 commissioners.

374  
375 (j) *Firearms.* Noise caused by the discharge of firearms. However, this exemption  
376 shall not be construed to authorize the discharge of any firearm in contravention  
377 of state law.

378  
379 **Sec. 42-67. - Regulations for Santa Rosa Island and Perdido Key.**

380  
381 **Findings:**

382  
383 The Board of County Commissioners hereby makes the following legislative  
384 findings regarding those parts of Santa Rosa Island and Perdido Key that are within the  
385 jurisdiction of Escambia County:

386  
387 1. The barrier islands of Escambia County offer a unique combination of  
388 natural beauty, recreational activities, seasonal events, entertainment venues,  
389 restaurants, transient lodging and homes.

390  
391 2. These areas are often marketed to tourists and other short-term visitors as  
392 destinations inclusive of such amenities.

393  
394 3. On the barrier islands the areas of natural beauty, recreational activities,  
395 seasonal events, entertainment venues, restaurants, transient lodging and  
396 homes often co-exist within a very close proximity of one another.

397  
398 4. The barrier islands are surrounded by water and have unique  
399 geographical features such as limited topography and vegetation.

400  
401 5. The combination of these factors creates situations where continuing  
402 conflicts over noise are likely and therefore an objective decibel-based regulation  
403 is more appropriate than an unreasonableness standard.

404  
405 Recognizing the unique tourist, recreational and entertainment characteristics  
406 these findings with regards to of Santa Rosa Island (Pensacola Beach) and the Perdido  
407 Key areas of the county, the provisions of sections 42-64 and 42-65 shall not apply to  
408 these geographic areas. For these geographic areas, the following standards shall  
409 apply:

410

- 411 (a) *Santa Rosa Island (Pensacola Beach)*: In no event shall a person operate or  
412 cause to be operated or create any source of sound in such a manner so as to  
413 create a sound level which exceeds 70 dbA (sound level measurement) when  
414 measured by a sound level meter at or within the property boundary of the  
415 receiving land use.  
416
- 417 (b) *Perdido Key*: In no event shall a person operate or cause to be operated or  
418 create any source of sound in such a manner so as to create a sound level which  
419 exceeds an average of 70 dbA (sound level measurement) when measured by  
420 taking four sound readings over a continuous 15-minute period, with the four  
421 readings taken at approximately at equal intervals. Those sound readings shall  
422 be taken at or within the property boundary of the receiving land use. With  
423 regards to sound measurements of live music performances, when possible,  
424 none of the four readings shall be taken during a break, intermission or other  
425 period when no music is emanating from the sound equipment.  
426

427 **Sec. 42-68. - Enforcement.**  
428

- 429 (a) The following individuals shall enforce this article: the Escambia County Sheriff's  
430 Department will have primary responsibility for the enforcement of the noise  
431 regulations contained herein. Nothing in this article shall prevent the Escambia  
432 County Sheriff's Department from obtaining voluntary compliance by way of  
433 warning, notice or education.  
434
- 435 (b) If a person's conduct would otherwise violate this article and consists of speech  
436 or communication; of a gathering with others to hear or observe speech or  
437 communication; or of a gathering with others to picket or otherwise express in a  
438 nonviolent manner a position on social, economic, political or religious questions;  
439 the person must be ordered to, and have the opportunity to, move, disperse, or  
440 otherwise remedy the violation prior to arrest or a citation being issued.  
441

442 **Sec. 42-69. - Penalties.**  
443

- 444 (a) A person who violates a provision of this article is guilty of a misdemeanor which  
445 is punishable by a fine not to exceed \$500.00 or imprisonment not to exceed 60  
446 days or both.  
447
- 448 (b) Each occurrence of a violation, or, in the case of continuous violation, each day a  
449 violation occurs or continues, constitutes a separate offense and may be  
450 punished separately.  
451
- 452 (c) In lieu of making an arrest or issuing a notice to appear, a law enforcement  
453 officer or a code enforcement officer may issue a citation pursuant to section 30-  
454 63 of the Escambia County Code of Ordinances. Each violation of any provision  
455 of this article shall constitute a separate offense.  
456

457 Any person who willfully refuses to sign and accept a citation issued by a law  
458 enforcement officer or a code enforcement officer shall be guilty of a  
459 misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or  
460 775.083. A written warning to this effect shall be provided at the time any citation  
461 is issued hereunder.

462  
463 **Sec. 42-70. - Effective area.**  
464

465 This article is enforceable in the unincorporated areas of Escambia County,  
466 Florida.

467  
468 **SECTION 2. SEVERABILITY.**  
469

470 If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
471 or unconstitutional by any Court of competent jurisdiction, then said holding shall in no  
472 way affect the validity of the remaining portions of this Ordinance.  
473

474 **SECTION 3. INCLUSION IN THE CODE.**  
475

476 It is the intention of the Board of County Commissioners that the provisions of  
477 this Ordinance shall be codified as required by Section 125.68, Fla. Stat. (2012); and  
478 that the sections, subsections and other provisions of this Ordinance may be  
479 renumbered or relettered and the word "ordinance" may be changed to "section",  
480 "article", or such other appropriate word or phrase in order to accomplish such  
481 intentions.  
482

483 **SECTION 4. EFFECTIVE DATE.**  
484

485 This Ordinance shall become effective upon filing with the Department of State.  
486

487 DONE AND ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
488

489 BOARD OF COUNTY COMMISSIONERS  
490 ESCAMBIA COUNTY, FLORIDA  
491

492 \_\_\_\_\_  
493 Gene M. Valentino, Chairman

494 ATTEST: PAM CHILDERS  
495 Clerk of the Circuit Court  
496

497 \_\_\_\_\_ Enacted: \_\_\_\_\_  
498 Deputy Clerk

499 Filed with Department of State: \_\_\_\_\_  
500 (Seal) Effective: \_\_\_\_\_  
501