



**Walton County Administration**  
117 Montgomery Circle, DeFuniak Springs, Florida 32435  
Phone 850-892-8155 \* Facsimile 850-892-8454

To: DeFuniak Herald Breeze: 892-2270  
From: Dede Hinote, Executive Assistant  
Date: April 21, 2009  
Re: Legal Ad to be placed in the paper on April 29 and May 7, 2009

**PUBLIC HEARING NOTICE**

You are hereby notified of a Public Hearing to be held Monday, May 11, 2009 at 4:00 P.M., or soon thereafter, to consider the following:

**AN ORDINANCE OF WALTON COUNTY, FLORIDA; REPEALING ORDINANCES 1996-15 AND 1997-30 RELATING TO THE CONTROL AND ABATEMENT OF EXCESSIVE NOISE IN GRAYTON BEACH, CHAPARRAL ESTATES, HIDDEN HARBORS, AND HOLIDAY SHORES; PROVIDING FOR AUTHORITY; PROVIDING FOR APPLICABILITY; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL PROHIBITIONS; PROVIDING FOR MEASUREMENT OF NOISE; PROVIDING FOR VIOLATION PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR JUDICIAL CONSTRUCTION; SEVERABILITY; AND AN EFFECTIVE DATE.**

This meeting will be held in the South Walton Courthouse Annex located at 31 Coastal Centre Blvd., Santa Rosa Beach, FL.

In accordance with Section 286.26, Florida Statutes, whenever any board or commissioner of any state agency or authority, or of any agency or authority of any county, municipal corporation, or other political subdivision, which has scheduled a meeting at which official acts are to be taken receives, at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority, such chairperson or director shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.

In accordance with Section 286.0105, Florida Statutes, all persons are advised that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or

PUBLIC HEARING NOTICE

You are hereby notified of a Public Hearing to be held Monday, May 11, 2009 at 4:00 P.M., or soon thereafter, to consider the following:

**AN ORDINANCE OF WALTON COUNTY, FLORIDA, REPEALING ORDINANCES 1996-15 AND 1997-30 RELATING TO THE CONTROL AND ABATEMENT OF EXCESSIVE NOISE IN GRAYTON BEACH, CHAPARRAL ESTATES, HIDDEN HARBORS, AND HOLIDAY SHORES; PROVIDING FOR AUTHORITY; PROVIDING FOR APPLICABILITY; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL PROHIBITIONS; PROVIDING FOR MEASUREMENT OF NOISE; PROVIDING FOR VIOLATION PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR JUDICIAL CONSTRUCTION; SEVERABILITY; AND AN EFFECTIVE DATE.**

This meeting will be held in the South Walton Courthouse Annex located at 31 Coastal Centre Blvd., Santa Rosa Beach, FL.

In accordance with Section 286.26, Florida Statutes, whenever any board or commissioner of any state agency or authority, or of any agency or authority of any county, municipal corporation, or other political subdivision, which has scheduled a meeting at which official acts are to be taken receives, at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority, such chairperson or director shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.

In accordance with Section 286.0105, Florida Statutes, all persons are advised that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeals to be based.

Please be advised accordingly.

Dede Hinote, Executive Assistant  
Walton County Administration

21c April 30 May 7 2009 7561

9/27 ✓

**ORDINANCE 2009-\_\_**

AN ORDINANCE OF WALTON COUNTY, FLORIDA; REPEALING ORDINANCES 1996-15 AND 1997-30 RELATING TO THE CONTROL AND ABATEMENT OF EXCESSIVE NOISE IN GRAYTON BEACH, CHAPARREL ESTATES, HIDDEN HARBORS, AND HOLIDAY SHORES; PROVIDING FOR AUTHORITY; PROVIDING FOR APPLICABILITY; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL PROHIBITION; PROVIDING FOR MEASUREMENT OF NOISE; PROVIDING FOR VIOLATION PROCEDURES; PROVIDING FOR PENALTIES; PROVIDING FOR JUDICIAL CONSTRUCTION; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Walton County (the “Board”) finds that excessive and unnecessary noise interferes with the quality of life and can interfere with the health, safety, and general welfare of the public; and

**WHEREAS**, in particular, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans; and

**WHEREAS**, the Board finds it is in the best interests of the health, safety, and welfare of the people of Walton County to establish reasonable regulations for the abatement of excessive and unnecessary noise.

**NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida that:**

1. Walton County Ordinances 1996-15 and 1997-30, codified as Article V. Divisions 2 and 3 of the Walton County Code, is hereby repealed in its entirety.
2. A new Article V. Division 2 of the Walton County Code is hereby created to read:

**DIVISION 2. COUNTY-WIDE**

**Section 9-136. Authority.** The authority for the enactment of this Ordinance is Section 125.01, Florida Statutes, and the State Constitution.

**Section 9-137. Applicability.** This Ordinance shall be applied only to facilities and operations about which an affected person has lodged a complaint with an authorized enforcement agent or agency within the unincorporated areas of Walton County.

**Section 9-138. Definitions.** For the purpose of this ordinance, certain words and phrases used herein are defined as follows:

Noise shall mean any sounds or vibrations which annoy or disturb humans or

cause or tend to cause adverse psychological effects on humans, and which may be harmful or injurious to the health or welfare of a reasonable person with normal sensibilities or unreasonably interfere with the normal conduct of life, use of property, or outdoor recreation.

Officer means a Walton County Sheriffs Department Officer or Walton County Code Enforcement Officer.

Person means any individual natural person, public or Private Corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally. Person shall include any owner, agent, or employee of a business establishment or other entity.

Plainly Audible means any noise that can be heard by a person using normal hearing faculties, at a distance of fifty (50) feet or more from the real property line of the source of the noise.

Real property line means an imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property.

**Section 9-139. General Prohibition.** It shall be unlawful and a violation of this ordinance to make, continue or cause to be made or continued any noise disturbance which:

- a. Produces or reproduces noise in a manner to be plainly audible between the hours of 10:00 p.m. and 7:00 a.m., at a distance of fifty (50) feet or more from the real property line of the property from which the source of the noise is located; or
- b. Produces or reproduces noise in a manner to be plainly audible within a fully enclosed single-family dwelling at any time at a distance of three hundred (300) feet or more from the real property line of the property from which the source of the noise is located. A single-family dwelling shall have all windows and doors securely closed in order to be considered fully enclosed.

**Section 9-140. Measurement of Noise.** A Walton County Sheriffs Department Officer or Walton County Code Enforcement Officer who hears a noise that is in violation of Section 9-139 shall measure the noise according to the following standards:

- a. The primary means of detection shall be by means of the officer's normal hearing faculties.
- b. The officer must have a direct line of sight and hearing to the real property of the source of the noise so that the officer can readily identify the offending source of

the noise and the distance involved. If the officer is unable to have a direct line of sight and hearing to the real property of the source of the noise, then the officer shall confirm the source of the noise by approaching the real property suspected of being the source of the noise until the officer is able to obtain a direct line of sight and hearing, and identify the identical or same noise that was heard at the place of original measurement of the noise.

**Section 9-141. Exemptions.** The following are exempt from the provisions of this Ordinance:

- a. The unamplified human voice.
- b. Railway locomotives or cars.
- c. Bona fide agricultural equipment used for a bona fide agricultural purpose.
- d. Maintenance of public facilities.
- e. Law enforcement activities, including training.
- f. Outdoor hunting or hunting sports. The discharge of firearms in rural areas in the normal course of legal hunting activities or customary shooting sports such as skeet, trap, and target shooting.
- g. Emergency signals.
- h. Refuse collection vehicles.
- i. Organized athletic contests or sporting events.

**Section 9-142. Violation procedures.**

- (1) Complaint procedures; warnings.
  - a. When a complaint is received, officer shall promptly investigate the charges. The person making the complaint will not be required to identify himself/herself and may remain anonymous.
  - b. When an officer determines that the noise emanating from a piece of property is in violation of Section 9-139, the officer shall issue an official warning to (1) the person or persons responsible for compliance with this ordinance and (2) the person or persons making the actual noise. The warning shall state the violation, shall advise the offenders to cease and desist the violation, and shall advise of the possible penalty if the person or persons fail to eliminate the noise or reduce the noise so that it is within permitted limits and is not plainly audible.
  - c. The person or persons receiving the warning shall have five (5) minutes to comply with the warning.

- d. A warning issued under section 9-142(1)(b) is valid for a period of thirty (30) days, and such warning shall remain in effect against the offending person or persons for the same or similar type violations for a period of thirty (30) days.
- (2) Arrest; termination of offending noise.
- a. If the noise is not eliminated or reduced to allowable limits within five (5) minutes after the warning, or if the noise is abated after warning and then reoccurs within thirty (30) days, the person so warned and not complying shall be arrested for a violation of this ordinance and upon conviction shall be subject to the penalties designated in Section 9-143.
  - b. If an arrest is made, the officer shall have the power and authority to immediately terminate the cause of the offending noise, including prohibiting any further noise from musical instruments or mechanical or electronic sound-making devices or equipment for a period of twenty-four (24) hours.
- (3) Joint and several responsibilities. The owner of the business, tenant/lessee of property, or a manager, overseer, agent, or any other person lawfully entitled to possess the property or manage the business premises from which the offending noise is emitted at the time the offending noise is emitted shall be jointly and severally liable for compliance with this ordinance and each shall be punished for its violation as shall the person or persons actually causing such noise. It shall not be a lawful defense to assert that some other person caused the noise. The lawful possessor, manager, or operator of the premises shall be responsible for operating or maintaining the premises in compliance with this ordinance shall be applied to such person or persons as well as to the person or persons actually causing the noise.

**Section 9-143. Penalties.**

- a. All violations of this Ordinance shall be investigated, cited, processed, adjudicated and punished in the same manner as a misdemeanor, in accordance with F.S. §125.69. Upon conviction, a violator may be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days, or by both fine and imprisonment, for each violation.
- b. The imposition of a fine under this section shall not prevent the county or a private person from instituting a civil action at law for damages or injunctive relief in order to prevent or abate violations of this ordinance. A violation of this ordinance is declared to be a public nuisance.

**Section 9-144. Judicial Construction.** NO provision of this noise ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from.

3. Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.
4. This ordinance shall take effect as provided by law.

Adopted by the Board of County Commissioners of Walton County, Florida, at a duly advertised public hearing, this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

BOARD OF COUNTY COMMISSIONERS  
OF WALTON COUNTY, FLORIDA

By: \_\_\_\_\_  
Sara Comander, Chair

ATTEST:

\_\_\_\_\_  
Martha Ingle, Clerk of Court