

ORDINANCE NO. 2011- 35

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, AND WHERE PROPERTY IN THE UNINCORPORATED AREA IS NEGATIVELY AFFECTED; PROVIDING FOR EFFECT OF RECITALS; PROVIDING RECOGNITION OF AUTHORITY; PROVIDING FOR JURISDICTION; PROVIDING DEFINITION OF TERMS; PROHIBITING BREACH OF THE PEACE AND LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR GRANDFATHERING, VESTING AND PRIORITY; PROVIDING FOR TEMPORARY NOISE PERMITS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES, PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY AND REPEAL; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Board of County Commissioners of St. Johns County has determined a need to more effectively control and abate noise pollution in the unincorporated areas of the County; and

**WHEREAS**, effectively controlling noise pollution and infractions of the previously existing noise ordinance has been a recurring issue in St. Johns County; and

**WHEREAS**, protecting and encouraging business, agricultural, and freedom of speech activities serves a legitimate governmental purpose of the Board of County Commissioners of St. Johns County while also protecting the public from excessive noise, particularly in residential areas; and

**WHEREAS**, the purpose of this Ordinance is to provide the public and enforcement officers with a clear delineation of enforcement procedures and with concise guidelines for regulating noise within the unincorporated areas of the County by providing specific prohibited noises, temporary noise permits, grandfathering standards, and determining enforcement responsibilities; and

**WHEREAS**, the purpose of this Ordinance is to provide for an enforcement mechanism which will include a "plainly audible" standard of sound measurement for violating noises; and

**WHEREAS**, this Ordinance shall promote and encourage the citizens and businesses of St. Johns County to comply with the County noise regulations as this Ordinance provides more clarity on infractions, violations, and assessment of penalties.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:**

**Section 1. Effect of Recitals.**

The above recitals are incorporated into the body of this Ordinance and such Recitals are adopted as findings of fact.

**Section 2. Recognition of Authority for Enacting this Ordinance.**

- A. This Ordinance is enacted pursuant to Article II, Section 7 of the Florida Constitution which provides that adequate provision shall be made by law for the abatement of “excessive and unnecessary noise.”
- B. It is intent of the Board of County Commissioners of St. Johns County, Florida to address excessive and/or loud and raucous noise which disturbs the peace, quiet, and comfort of neighboring inhabitants and to provide a civil remedy for breaches of the peace similar to those as set forth in §877.03, *Florida Statutes*, as amended from time to time.
- C. It is further the intent of the Board of County Commissioners of St. Johns County, Florida to utilize and rely in part on certain language of the Miami-Dade, Florida Code §21-28(b) and upheld by *DA Mortgage v. City of Miami Beach and Miami-Dade County*, 486 F.3d 1254 (11<sup>th</sup> Cir. 2007) and *State v. Davis*, 710 So.2d 635, (5<sup>th</sup> DCA 1998).

**Section 3. Measurement of Sound.**

The measurement of sound or noise under this Ordinance shall be “plainly audible” by a human ear without the benefit of a hearing aid by a reasonable person of ordinary sensibilities. This Ordinance shall be in effect within the unincorporated areas of St. Johns County, Florida. Further, this Ordinance shall be measured and enforceable by the law enforcement agency or code compliance office which takes the complaint, including the St. Johns Sheriff’s Office, the Division of Animal Control, and Code Enforcement.

**Section 4. Definitions.**

- A. “Plainly Audible” means sounds or noise which can be measured or detected by the human ear without the benefit of a hearing aid by a reasonable person of ordinary sensibilities.
- B. “Sound” means something that can be heard; audible.

- C. "Noise" means a sound that annoys or disturbs a human or which causes or tends to cause an adverse psychological or physiological effect on humans; loud or offensive disturbing sounds. This term shall be used synonymously with "sound."
- D. "Chamber" means the inside of a climate controlled-structure with shared or common walls as with condominiums, townhouses, or apartments.
- E. "Dwelling Unit" means a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or Dwelling Units which may be in the same Structure, and containing sleeping facilities and Cooking Facilities. (As defined in LDC Art. VII, Section 12.01.00, as amended from time to time).
- F. "Unprovoked" means that the complaining witness has been conducting himself or herself peacefully and lawfully and not treating animals in a menacing fashion.
- G. "Animal Owner" means any person who owns, possesses, or has custody or control of, gives shelter to, feeds, confines, boards, keeps, houses, or is in charge of or tends to any animal or who permits an animal to remain on or about any premises occupied or controlled by such person.

**Section 5. Breach of the Peace prohibited; unnecessary and excessive noises prohibited.**

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, raucous, excessive, unnecessary, or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this Ordinance, but this enumeration shall not be deemed to be exclusive, namely:

- A. Civil Breach of the peace; disorderly conduct. Whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct, shall be guilty of a violation of this Ordinance.
- B. Horns, signaling devices, or similar equipment. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the County, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.
- C. Radios, televisions, phonographs, recording and playback devices, or sound reproduction equipment. The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, recording and playback devices or any other similar devices reproducing of sound

in such manner as to disturb the peace, quiet and comfort of the neighbors, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or dwelling unit in which such machine or device is operated and who are voluntary listeners thereto.

The operation of any aforementioned devices between the hours of 10:00pm until 7:00am on Sunday through Thursday, 11:00pm and 7:00am on Friday and Saturday, in such manner as to be plainly audible inside the complainant's chamber or dwelling unit or at a distance of one hundred (100) feet or more from the source property line shall be prima facie evidence of a violation of this Ordinance.

- D. Loudspeakers, Sound Amplifiers, and similar equipment on public streets. The use or operation on or upon the public streets, alleys and thoroughfares anywhere in the County for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned which is plainly audible within the chamber or dwelling unit of neighboring inhabitants.
- E. Noises to attract attention. The use of any drum, loudspeaker or other instrument or device for the purpose in whole or in part of attracting attention by creation of any unreasonably loud or raucous noise to any performance, show, sale, display or advertisement of merchandise; the shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- F. Shouting. Any unreasonably loud or raucous shouting that is plainly audible at a distance of one hundred (100) feet or more.
- G. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom is prohibited.
- H. Defect in vehicle or load. The use of any automobile, motorcycle, jet ski, water bike, airboat, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise which is plainly audible within the chamber or dwelling unit of neighboring inhabitants.
- I. Airboats. Noise from airboats, except from sunrise to sunset. Airboats are required to have a working muffler system and shut off engines when on dry ground.
- J. Motor vehicles. Noises from motor vehicles as regulated by §316.272 F.S. and §316.293, F.S.

- K. Animals. The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible across the property line of the animal owner, lasting 30 minutes or more while the animal is unprovoked, shall be prima facie evidence of a violation of this Ordinance. For purposes of this sub-section, a citation may be issued when two (2) or more complaining witnesses who reside in two different chambers or dwelling unit(s) complete sworn affidavits alleging the disturbance of the peace. A citation may also be issued when an enforcement officer witnesses the violation. This provision shall not apply to properly zoned, licensed and permitted kennels.
- L. Schools, courts, hospitals. The creation of any excessive, loud or raucous noise within 100 feet of any school, institution of learning, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that said institutions are located on the street.
- M. Domestic Power tools and landscaping equipment. Between the hours of 9:00p.m. until 7:00a.m. daily, it shall be unlawful to operate a noise-producing domestic power tool or similar tool which is used to maintain the property or used at a residence, so that excessively loud or raucous noise travels across any residential real property line. All such equipment shall be properly muffled and maintained in working order so as not to create excessive and unnecessary noise.
- N. Construction and Industrial Noise. Commercial, building, construction, road maintenance, utility, solid waste collection, industrial noise or similar noises are permitted after 7:00am daily until 7:00pm on Monday thru Saturday and 9:00am until 7:00pm on Sundays and holidays, so long as it is not excessively loud or raucous, so as to affect the health, safety or welfare of the neighboring inhabitants within 100 feet from the source of the noise. Construction and Industrial equipment must be in good repair and utilize noise baffling methods. These types of noises may be further governed by existing Planned Unit Development Agreements (PUD), planning permits, temporary noise permits or other legally binding agreements.

#### **Section 6. Exemptions.**

The following uses and activities shall be exempt from noise level regulations as herein described:

- A. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency. All noises from official public service vehicles or from public service activities, including but not limited to;

Solid Waste Collection, Utility Maintenance, Road and Bridges construction or repair. Private Contractors' vehicles and activities which are doing public service business with St. Johns County or other official local governments shall also be exempt. Nothing herein shall be deemed to change any franchise agreement or contract.

- B. Noises of safety signals, warning devices, and emergency pressure relief valves, when utilized for their intended use. This exception shall not apply to safety signals or warning devices for any unnecessary use or unreasonable period of time. Alarms shall be further regulated by St. Johns County Ordinance 2010-15, as amended from time to time.
- C. Noises resulting from emergency work necessary to prevent injury to persons or significant damage to property.
- D. Non-amplified crowd noises resulting from activities such as those planned by student, governmental, or community groups, weddings, parades, or racing/sport events.
- E. Noises consistent with cultural, historical, or traditional observances, holidays, and ceremonies. Any other noises resulting from activities of a temporary duration permitted by law and for which a temporary noise permit has been issued by St. Johns County provided the activities shall be in accordance with the conditions and limitations stated on the permit.
- F. All noises coming from the normal operations of aircraft, not including model aircraft, and aircraft ground testing operations, by special authorization of the Airport Authority.
- G. Any noise, including but not limited to, noise relating to the operation of trains, regulation of which is preempted by the federal government, but only to the extent of such federal preemption.
- H. Noises from all equipment tests required by law, so long as they are conducted between the hours of 8:00 a.m. and 5:00 p.m., and the duration of the test is the minimum recommended by the manufacturer of the equipment. This provision also applies to the testing/exercising of emergency generators.
- I. All commercial agricultural activities, so long as all internal combustion engines are properly muffled. Processing of agricultural products is only exempt if performed on farmlands.
- J. Gun ranges consistent with §823.16, F.S., as amended from time to time.
- K. Ferry horns or sirens, church bells, clocks, or bell towers chimes shall be exempt.

- L. The supervised public display of fireworks by fair associations, amusement parks, and other organization or groups of individuals or other lawful use of fireworks.

**Section 7. Grandfathering; Vesting; Priority.**

Noises or sound levels specifically governed by existing or future Planned Unit Development Agreements (PUD), planning permits or legal settlements shall prevail over otherwise conflicting provisions of this Ordinance. Any accused violator of this Ordinance shall have an affirmative duty to provide proof of vesting, priority or grandfathering. The following shall be grandfathered so long as the noise producing activity remains the same and does not stop for more than 180 consecutive days:

- A. Veranda Partners, Ltd., Major Modification of The Players Club PUD 2006-21, approved by Ordinance 2006-140 and including the following parcels:

- (1) Veranda I (Parcel A) 061940-0070;
- (2) Veranda II (Parcel B) 061940-0100;
- (3) Veranda III (Parcel C) 061940-0110;
- (4) Veranda IV (Parcel D) 061940-0120;
- (5) Veranda V (Parcel E) 061940-0130; and
- (6) Veranda VI (Parcel F) 061940-0140 and
- (7) Veranda Owners (common areas) 061940-0020

- B. Hydro-Aluminum Master Parcel 2004-195, PUD #2008-06, (Ord. 2008-60) and including the following parcels:

- (1) 183080-0010
- (2) 183110-0000
- (3) 183310-0000
- (4) 184410-0000
- (5) 184410-0010

**Section 8. Temporary Noise Permits.**

The County Administrator [or designee] is authorized to issue a temporary noise permit to allow noise normally prohibited when such noise is produced as in the above described Section 5N, *Construction and Industrial Noise*. Reasonable conditions necessary to minimize any adverse effect upon the health, safety or welfare of the community, may be included in the temporary noise permit. Such temporary noise permits may be issued based upon a finding that there are no reasonable alternatives and the construction has obtained all other required permits. A charge of \$100 shall be submitted with applications for a Temporary Noise Permit and changes to the fee schedule are subject to change by Resolution of the Board of County Commissioners. Temporary Noise Permits issued pursuant to such authorization shall not exceed seven (7) calendar days, including weekends and/or National Holidays. Violation of a temporary noise permit shall result in revocation and penalties as set out in this Ordinance in Section 10. At the discretion of

the Building Official, a stop work order may also be issued. Material misrepresentation of facts in order to obtain a temporary noise permit shall result in immediate revocation. Appeals for denial of a temporary noise permit shall be pursuant to Part 9.07.02 of the Land Development Code (LDC), *Appeals from Decisions of the County Administrator in Enforcing this Code*, as shall be amended from time to time.

### **Section 9. Enforcement.**

- A. This Ordinance is enforceable by the law enforcement agency which takes the complaint, including the St. Johns County Sheriff, Division of Animal Control and Code Enforcement.
- B. For the purpose of determining and classifying any noise as one which is declared unlawful and prohibited by this Ordinance, the enforcement agent shall apply the measurement techniques provided above in Section 3, *Measurement of Sound* to determine if the standards set forth in Section 5 *Breach of Peace Prohibited; Unnecessary and Excessive Noises Prohibited* have been violated.
- C. The following procedures shall be followed by the enforcement agent when enforcing this Ordinance:
  - 1. The appropriate County enforcement agent shall investigate and determine if any noise is in violation of the specific noise prohibitions provided in Section 5.
  - 2. If a noise level is found to be in violation of this Ordinance, the appropriate enforcement agent shall give warning to the person responsible for the sound. The warning shall advise the person of the violation and of the possible penalty if the person fails to eliminate the sound or reduce the sound so that it is not plainly audible.
  - 3. The person receiving the warning shall have a reasonable time to comply with the warning. Absent special circumstances, a reasonable time is 15 minutes.
  - 4. For the purposes of this Ordinance, it is sufficient warning for all prohibited noises if the person responsible for such noise has been warned of, or cited for, one or more offending noises of the same type within the previous 60 days, or in the case of a business, in the time period since ownership of the business changed, whichever is less.
  - 5. If the noise is not eliminated or is not reduced to allowable limits within a reasonable time after the warning, or if the noise or sound reoccurs after warning and abatement, the person so warned and not complying shall be cited for a violation of this Ordinance as set forth in the Citation Procedures below.

D. Citation procedures.

1. *Citation authorization.* Any County enforcement agent is hereby authorized to issue a citation to a person when, based upon personal investigation, the enforcement agent has reasonable cause to believe that the person has committed a violation of this Ordinance.
2. *Procedures.* A citation issued by an enforcement agent shall be in a form prescribed by the County and shall contain:
  - a) The date and time of issuance.
  - b) The name and address of the person to whom the citation is issued.
  - c) The date and time the civil infraction was committed.
  - d) The facts constituting reasonable cause.
  - e) The number of the section of the Ordinance violated.
  - f) The name and authority of the enforcement agent.
  - g) The procedure for the person to follow in order to pay the civil penalty or contest the citation.
  - h) The applicable civil penalty if the person elects to contest the citation.
  - i) The applicable civil penalty if the person elects not to contest the citation.
  - j) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he or she shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty
3. *Citations to be deposited with the County Court.* After issuing a citation, the enforcement agent shall deposit the original and one copy of the citation with the County Court, by filing same with the Clerk of the Court.
4. *Judgment of court.* If a person fails to pay the civil penalty or request a hearing, fails to appear in court to contest the citation when a hearing has been requested, or fails to appear in court as may be required, the court may enter judgment for an amount not to exceed \$500.00 per infraction and/or may issue a rule to show cause upon the request of the County. The court rule shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such rule fails to appear in response to the court's directive, the person may be held in contempt of court. At any hearing pursuant to this Ordinance, the commission of a violation must be proved by a preponderance of the evidence. The Florida Rules of Civil Procedure and Florida Evidence Code shall be applicable.
5. *Payment of penalties.* All civil penalties shall be paid to and collected by the Clerk of the Court as provided by law.

6. *Refusal to sign or accept citation.* Any person who willfully refuses to sign and accept a citation issued by an enforcement agent shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §775.082 or §775.083.

**Section 10. Penalties.**

A. *Schedule of Penalties.* Any person or persons, firm or corporation, or any agent thereof who violates any of the provisions of this Ordinance may upon conviction be guilty of a non-criminal violation punishable as provided for under §125.69 and Chapter 162, *Florida Statutes*, as amended from time to time. Violations of this Ordinance shall be processed in accordance with F.S. Ch. 162, including, but not limited to, appearance before the St. Johns County Special Magistrate or County Judge. Citations shall be subject to the following penalties:

- |                     |          |   |
|---------------------|----------|---|
| (1) First citation  | \$ 53.00 |   |
| (2) Second citation | \$118.00 |   |
| (3) Third citation  | \$268.00 |   |
| (4) Fourth citation | \$500.00 | A fourth citation or more shall result in a mandatory appearance in County Court. |

**NOTE:** A violation for Breach of the Peace may be determined by Law Enforcement to be a second degree misdemeanor violation of §877.03, Florida Statutes, and may incur a fine not to exceed Five Hundred Dollars (\$500).

- B. *Continuing Violations.* Each day a violation continues subsequent to the issuance of a citation shall constitute a separate violation for which a separate subsequent citation may be issued and an additional penalty may be applied.
- C. *Flagrant Violations.* Any violation of this Ordinance which results in breaches of the peace or is a flagrant disregard of provisions of this Ordinance may be determined by a Court of competent Jurisdiction to be a civil violation and may incur a fine not to exceed Five Hundred Dollars (\$500).
- D. *Mitigation.* The Special Magistrate or Judge may order a violator of this Ordinance to abate the noise produced and take all reasonable steps to mitigate future noise violations, to include, but not limited to, installing sound proofing, screening, fencing, muffling the volume of a device, etc. Reasonable costs of enforcement and administration may also be awarded to the County in conjunction with a penalty fine or mitigation costs.

**Section 11. Conflicts.**

This Ordinance is in addition to the Laws of Florida and shall not limit or reduce said laws or penalties. In the event this Ordinance conflicts with any other applicable regulation or law on any given provision, the more restrictive shall apply, unless preempted by state or federal law.

**Section 12. Severability and Repeal.**

- A. If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be invalidated.
- B. All previous Noise Ordinances, Amendments or parts of ordinances regulating noise are hereby repealed and replaced by this Ordinance. The following Ordinances are expressly repealed and replaced by this Ordinance: Ord. 1988-37, Ord. 1988-56, Ord. 1989-32, Ord. 1989-62, Ord. 1996-57, and Ord. 1998-19.

**Section 13. Effective Date.**

This Ordinance shall take effect upon receipt of official acknowledgement by the office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

**PASSED AND ENACTED** by the Board of County Commissioners of St. Johns County, Florida, this **4th** day of **October, 2011**.

ATTEST: Cheryl Strickland, Clerk

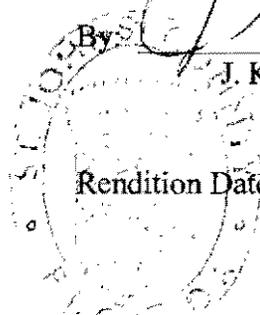
BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Juanne King  
Deputy Clerk

By: J. Ken Bryan  
J. Ken Bryan, Chairman

Effective Date: 10/13/11

Rendition Date: 10/10/11



SJC MINUTES & RECORDS C/O CLER  
ATTN MS.P DEGRANDE  
500 SAN SEBASTIAN VIEW  
SAINT AUGUSTINE FL 32084

Ref.#: L2475-11  
P.O.#: L2475-11

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **SHAWNE' H ORDONEZ**

who on oath says that he/she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

In the matter of **NOISE-UNINCORP AREA - HEARING OCTOBER 4, 2011**

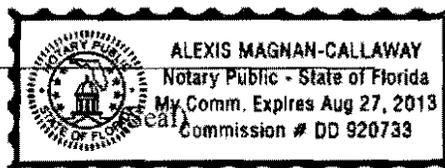
was published in said newspaper on **09/23/2011**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 23<sup>rd</sup> day of September 2011

by Shawne H. Ordonez who is personally known to me or who has produced as identification

*Alexis Magnan-Callaway*  
(Signature of Notary Public)



**NOTICE OF A PUBLIC HEARING  
BY THE  
ST. JOHNS COUNTY BOARD OF  
COUNTY COMMISSIONERS**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on **Tuesday, October 4, 2011 at 9:00 a.m.** in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, AND WHERE PROPERTY IN THE UNINCORPORATED AREA IS NEGATIVELY AFFECTED; PROVIDING FOR EFFECT OF RECITALS; PROVIDING RECOGNITION OF AUTHORITY; PROVIDING FOR JURISDICTION; PROVIDING DEFINITION OF TERMS; PROHIBITING BREACH OF THE PEACE AND LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR GRANDFATHERING, VESTING AND PRIORITY; PROVIDING FOR TEMPORARY NOISE PERMITS; PROVIDING FOR ENFORCE-**

**MENT; PROVIDING FOR PENALTIES, PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY AND REPEAL; PROVIDING FOR AN EFFECTIVE DATE**

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770; no later than 5 days prior to the date of the hearing.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS  
CLERK  
By: Patricia DeGrande, Deputy  
Clerk  
L2475-11 Sep 23, 2011**



**FLORIDA DEPARTMENT of STATE**

**RICK SCOTT**  
Governor

**DIVISION OF LIBRARY AND INFORMATION SERVICES**

**KURT S. BROWNING**  
Secretary of State

October 14, 2011

Ms. Cheryl Strickland  
Secretary  
St. Johns County  
500 San Sebastian View  
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 11, 2011 and certified copies of Ordinance Nos. 2011-34, 2011-35, 2011-36, 2011-37 and 2011-38, which were filed in this office on October 13, 2011.

Sincerely,

*Liz Cloud* (ak)  
Liz Cloud  
Program Administrator

LC/jw

2011 OCT 19 PM 2:45  
DIVISION OF LIBRARY AND INFORMATION SERVICES  
ST. JAMES COUNTY, FL

