

## DECEMBER 7, 2001 – SPECIAL WORKSHOP

The Board of County Commissioners, Walton County, Florida, held a Special Workshop on Friday, December 7, 2001 at 9:00 a.m. in the Boardroom of the Walton County Courthouse.

The following Board members were present: Commissioner Tim Pauls, Vice-Chairman Larry D. Jones, and Chairman Lane Rees and Commissioner Gene Ryan, Mr. Michael Underwood, County Administrator, Mr. Gary Vorbeck, Director of Legal Services, and Ms. Martha Ingle, Clerk of Courts, were also present.

Commissioner Ryan led the Pledge of Allegiance the American Flag. Chairman Rees gave honor on this 7<sup>th</sup> day of December in memory of the attack on Pearl Harbor 60 years ago.

Attorney Vorbeck introduced Ms. Sherri Sylvester and Ms. Karen Sheehan, new employees in the Legal Services Department.

Chairman Rees called the meeting to order and welcomed Mr. Eric Zwerling, President of The Noise Consultancy, LLC, New Jersey.

Mr. Zwerling gave a brief explanation of how a noise ordinance is written and the regulations involved. He explained his experience in writing noise ordinance and stated that he has provided consulting services for local governmental agencies and law enforcement agencies as well as other public and private agencies. He addressed the importance of identifying the existing issues and the current problems that should be addressed.

Mr. Zwerling spoke about the impacts and effects that noise has on people. He stated that people who create the noise have private property rights until it infringes on

other people's property rights. He further explained the difference between sound and noise. He explained the unit measurement of noise in the form of decibel (dB) and explained various sources of sound/noise and the distance at which it is heard. Mr. Zwerling stated that the standard nighttime-outside level is set at 50 dB. He also explained how individuals hear at different levels.

The requirements for a successful noise ordinance must be kept simple so it can be easily enforced and easily understood by the people it is being enforced against. Community awareness is extremely important. He explained that a nuisance code is flexible, whereas a performance code is non-flexible and would hold up better in court.

Discussion was held regarding allowing people a grace period to come into compliance.

He spoke about the equipment used and the related costs. He stated that a dB kit can be purchased for an amount between \$800-\$1,000.00 plus annual calibration.

An ordinance must have a fine structure and utilize the proper sound measurement equipment. He said not to make the ordinance complex and to not overbuy the equipment compromising the evidence being collected. Mr. Zwerling explained how to write a violation report and the essential elements of the report necessary to hold up in court. He spoke about the importance of speaking to the owner and communicating the information in order to relate the information in a manner the owner understands so they are aware of what it takes to be in compliance. Enforcement covers the normal operation of business and other allowances are included allowing for noise issues that fall outside the normal activity.

Mr. Zwerling stated that he writes noise ordinances based on New Jersey laws, which covers the most dense populations and noise problems. He stated that the code can be enforced and people do work to get in compliance.

Members of the audience shared some of the situations they encounter with noise in Walton County, some of which is ongoing. Some related problems include the noise from the concrete plant in the Peach Creek area and the hours they operate. The plant is near a residential area and business operations continue into the night hours or begin very early in the morning. Mr. Zwerling stated that an ordinance should be written to include possible future noise. Other concerns voiced included reference made about grandfathering business already in existence. Mr. Zwerling stated that ordinances are generally written allowing an existing business a certain time frame to come into compliance.

The method for monitoring noise was discussed and the need to perform a walk around when preparing a violation report. This ensures that the location from which the noise is coming from is known and not assumed.

Ms. Mary Brockett, South Walton Community Council, stated that they receive many complaints from citizens and are questioned on how to make people comply, especially when the violator is a visitor in the area. Mr. Zwerling stated that an officer has the discretion to enforce the ordinance or to give a warning. Issues were also discussed regarding noise from construction sites, including loud music. He stated that sound amplification is addressed in the ordinance and has certain criteria that must be met.

The issue of barking dogs was addressed with Mr. Zwerling stating that this is an issue that is handled according to the length of time the dogs continue barking rather than by a dB level.

Mr. Zwerling used Walton County's Grayton Beach Noise Ordinance as an example of using the term "plainly audible" and the ability to enforce a violation under this term. He presented an example of an ordinance written for another county and explained the terms he uses in an ordinance that makes it more enforceable.

Chairman Rees asked Mr. Zwerling to travel with county staff to visit problem areas of the county to get an idea of what Walton County is dealing with. Mr. Zwerling agreed and then stated that he would begin working on a draft ordinance to present to the commissioners for their review. He stated that he would review the county's current proposed ordinance combining and redefining it as needed. Mr. Zwerling will communicate with Mr. Underwood and staff and attempt to have a draft copy to submit to the Board in January. After adoption of a final ordinance he will return to Walton County to provide necessary training for enforcement.

There being no further business, the meeting was adjourned at 11:00 a.m.

APPROVED: \_\_\_\_\_  
Lane Rees, Chairman

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