

**RULES OF THE ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-10
NOISE POLLUTION**

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1-10.00 INTENT

Chapter 1-10 is intended to regulate noise pollution originating from stationary sources and traveling outdoors to other receiving properties. It is not the intent of this rule to regulate noises under all circumstances. *Section History - adopted 9/18/2008 and effective 9/18/2008.*

1-10.01 DEFINITIONS

- (1) Definitions contained in Chapter 84-446, Laws of Florida, as amended, (EPC Act) apply to this rule.
- (2) The following specific definitions shall apply to this rule:
 - (a) **A-Weighted Sound Level** – The electronic filtering in sound level meters that models human hearing frequency sensitivity and is denoted as dBA (decibel A-weighting).
 - (b) **Background Sound Pressure Level** – The equivalent sound pressure level of all encompassing noise present in the environment in the absence of sound from the source in question.
 - (c) **Commercial Property** – All property which is used primarily for the sale of merchandise or goods, or for the performances of a service, or for office or clerical work. Hotels and motels are considered Commercial Property under this rule.
 - (d) **Decibel (dB)** – A unit of measurement of sound pressure equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
 - (e) **East Bay Raceway** – A one-third ($\frac{1}{3}$) mile dirt track located at 6311 Burts Road in Hillsborough County.
 - (f) **Emergency** – Any occurrence or set of circumstances involving actual or imminent physical trauma, natural resource damage, or property damage which demands immediate action.
 - (g) **Emergency Response** – Any action performed for the purpose of preventing or alleviating an emergency, including training exercises related to emergency response.
 - (h) **Industrial Property** – Any property which is used primarily for manufacturing, processing, or distribution.
 - (i) **Leq** – Abbreviation for the equivalent sound pressure level which means the constant sound level that, in a given time period, conveys the same sound energy as the actual time-varying sound.
 - (j) **Octave Band** – All of the components in a sound spectrum whose frequencies are between two sine wave components separated by an octave.
 - (k) **Public Right-Of-Way** – Any street, avenue, boulevard, highway, sidewalk, or alley or similar place normally accessible to the public which is owned or controlled by a government entity.
 - (l) **Real Property Line** – 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 divisions.
 - (m) **Residential Property** – All property designed for people to live and sleep, and which is not commercial or industrial as defined in this rule, including but not limited to homes, dwellings, individual plots

within a mobile home park, hospitals, shelters designed for human habitation, schools, nursing homes, and parks that have sleeping accommodations. Residential property must be located (sited) in conformance with applicable county or municipal zoning and land use provisions. For purposes of this rule, a legal non-conforming residential use is considered in conformance, and therefore residential property.

(n) **RMS (Root Mean Square) Sound Pressure** – The square root of the time averaged square of the sound pressure.

(o) **Sound** – An oscillation or alteration in pressure, stress, particle displacement, particle velocity, or other physical parameter, in an elastic medium; or, an auditory sensation evoked by the alterations described above. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(p) **Sound Level** – A logarithmic ratio of sound power or parameters related to power such as pressure, referenced to the threshold of human hearing, 20 micropascals.

(q) **Sound Level Meter** – A device used to measure sound pressure level, or weighted sound pressure level, or octave band sound pressure level, and this device is of Type 1, as specified in the American National Standards Institute Publication S1.4-1983 (R2006) or its successor publication or amendments, including but not limited to ANSI S1.4A-1985 (R2006).

(r) **Sound Pressure** – The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of energy, which accompanies the passage of a sound wave.

(s) **Sound Pressure Level** – Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is denoted SPL and is expressed in decibels.

(t) **Shooting Range** – An area designated and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar type of sport, law enforcement, or military shooting.

(u) **Stationary Source** – Any facility or activity that has the potential to emit sound and exists at or is designed to be operated as a unit at a fixed location, although parts of the source may move while the source is in operation. This includes but is not limited to all commercial and industrial facilities, e.g., relocatable rock crushing machinery and/or equipment.

(v) **Unamplified Sound** – Sound that is not amplified by any mechanical or electronic means.

Section History – amended 9/18/2008 and amendment effective 9/18/2008; amended 9/21/2023 and amendment effective 9/25/2023.

1-10.03 SOUND LEVEL LIMITS

(1) Sound levels limits pursuant to this rule shall be measured with a sound level meter as an Leq for a 10-minute period of time. Sound levels which exceed the limits set forth in this rule for the receiving land when measured at or within the property line of the receiving land, or as measured at the locations described in 1-10.03(1), are a violation of this rule. The point of sound level compliance for receiving residences or other sleeping accommodations on agricultural and park land shall be measured at a distance no greater than 150 feet from the receiving residence or sleeping accommodation.

(2) **Sound Level Limits.** Unless otherwise specified in this rule, the below limits in this subsection shall be measured using the A-Weighted Sound Level (dBA).

Receiving Land Use Category	Time	Sound Level Limit, dBA
Residential	7 a.m.-10 p.m.	60
	10 p.m.-7 a.m.	55
Commercial	At all times	65
Industrial	At all times	70

(3) **Octave Band Residential Sound Level Limit.** In addition to the sound level limits of 1-10.03(2), for any source of sound which impacts on residential property, the maximum allowable sound level limit for the individual octave bands whose centers are 63, 125, and 250 Hertz (Hz) shall not exceed the below listed decibel levels, measured as an Leq for a 10-minute period of time:

Octave Band	Time	Sound Level Limit - dB
63 Hz	7 a.m.-11 p.m.	70
63 Hz	11 p.m.-7 a.m.	65
125 Hz	7 a.m.-11 p.m.	64
125 Hz	11 p.m.-7 a.m.	59
250 Hz	7 a.m.-11 p.m.	57
250 Hz	11 p.m.-7 a.m.	53

(4) No person shall generate, cause, let, permit, allow, or allow to continue any violation of this rule. If the same type of violation continues after the property owner is notified by the Environmental Protection Commission (EPC) or a law enforcement officer, then the property owner, even if he or she did not generate sound, will be deemed to have allowed the violation to continue and must comply with this rule.

Section History – amended 9/18/2008 and amendment effective 9/18/2008; amended 9/21/2023 and amendment effective 9/25/2023.

1-10.04 EXEMPTIONS

Any of the following exempt activities or sources listed in this section remain subject to any other laws, regulations, codes or ordinances. The following activities or sources are exempt from the requirements of this rule and the EPC’s noise nuisance laws:

(1) The emission of sound from a person or any mechanical device, apparatus, or equipment for the purpose of alerting persons to the existence of an emergency, or sounds generated in the performance of emergency response duties, including training.

(2) The unamplified sound of the human voice.

(3) The unamplified sounds of animals.

(4) Sounds from agricultural operations on land classified or zoned for agricultural purposes. This also includes agritourism as provided by Florida law. Non-agricultural operations on land classified or zoned for agricultural purposes may be regulated under this Rule if no other exemption applies.

(5) Sound originating from within a residential structure and its appurtenances, including but not limited to a yard, barn, shed, gazebo, garage, patio, compressors, air conditioning/air handling equipment, or pool pump

motor or filter. Sounds related to operating, residing in, and maintaining a residence, including but not limited to, lawn care, home repair or maintenance, and refuse collection. Residential generators are also exempt, see Subsection 1-10.04(16) for additional detail.

(6) Commercial operation of motorized lawn, garden, or other outdoor maintenance equipment on any classification of property is exempt between the hours of 7 a.m. and 10 p.m.

(7) Sounds occurring at places of religious worship and related to those religious activities.

(8) Except where regulated elsewhere in this rule, events directly related to all holidays recognized by local, State, or federal governments; parades and festivals authorized by the State, federal, or local governments; competitive sporting events; and public fairs or expositions as defined in Chapter 616, F.S. However, this fair and exposition exemption does not apply to any concerts at the Amphitheatre during the Florida State Fair Authority's annual state fair.

(9) Mobile sources, including but not limited to:

(a) motor vehicles, including recreational motorized vehicles, remote control devices, and the associated stereos or other sound generating devices attached to the vehicles. This does not include racing vehicles and racing venues addressed elsewhere in this rule, nor does it include the sounds associated with the unloading of non-watercraft vehicles;

(b) the operation of trains, ships, personal watercraft, and aircraft; and

(c) portable sound systems used for personal entertainment.

(10) Common carrier stations, including but not limited to bus stations, transit malls, train stations, ships' wharves and docks, and airports.

(11) Shooting ranges pursuant to Section 823.16, F.S., discharge of firearms, and the shooting sounds associated with paintball facilities.

(12) Sounds generated by governmental entities and their agents related to construction, operation, and maintenance of transportation projects and facilities. Sounds generated by the Florida Department of Transportation and its agents arising from activities at existing or future transportation facilities, or appurtenances thereto, on the State Highway System, pursuant to Section 335.02(4), F.S.

(13) Construction activity for which the County or municipality has issued all applicable permits, or which is exempt from County or municipality permits, provided such activity occurs between 6:00 a.m. and 8:30 p.m. and reasonable precautions are taken to abate the noise pollution generated from those activities. Reasonable precautions shall include but not be limited to noise pollution abatement measures such as enclosure of the noise pollution source, use of acoustical blankets, and change in work practice.

(14) Sound related to music or other entertainment originating from the areas delineated in the two maps below which are incorporated as part of this subsection.

(15) Activities conducted on public athletic facilities and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to athletic, musical, and entertainment events at private or public schools.

(16) Sounds from power generators, including the following:

(a) generators operating during testing, maintenance, periods of emergency, or power failure;

(b) generators for residential structures; and

(c) generators for hospitals, nursing homes, critical care facilities, government utilities, and other critical government infrastructure.

However, generators supporting commercial or industrial properties not qualifying for an exemption above must comply with the noise regulations of this rule.

Section History – amended 9/18/2008 and amendment effective 9/18/2008; amended 8/9/2012 and effective 8/20/2012; amended 9/21/2023 and amendment effective 9/25/2023; amended 10/19/2023 and amendment effective 10/20/2023.

1-10.05 COMPETITIVE MOTOR VEHICLE EVENTS

(1) Sound Level Limits -

(a) Sound levels from facilities holding competitive motor vehicle events shall be subject to the sound level limits of subsections 1-10.03(2) and (3), except for East Bay Raceway.

(b) Sound levels from competitive motor vehicle events at East Bay Raceway shall not exceed 78 dBA

as an Lmax, measured with a sound level meter at or within receiving residential property.

(c) In the event East Bay Raceway adds a new racing event at its existing track, builds a new facility, or expands or relocates its existing racetrack then that new racing event and/or new, relocated, or expanded facility is subject to the sound level limits in subsections 1-10.03(2) and (3).

(2) Authorization Required -

(a) Compliance with all applicable requirements of section 1-10.05 shall be demonstrated by completing a Competitive Motor Vehicle Events form provided by EPC staff and submitting it to the EPC Executive Director:

(1) prior to construction, alteration, or expansion of any competitive motor vehicle racing facility; and

(2) annually, by November 1 of each year for all racing activities planned for the following calendar year.

The Competitive Motor Vehicle Events form is maintained by the Air Management Division.

(b) Any racing facility submitting a complete Competitive Motor Vehicle Events form, including all requirements of this section, shall be eligible to operate unless the Executive Director makes a written decision of ineligibility within 45 days of receipt of the complete form, except new or modified race tracks will require a modeling demonstration as described in subsection 1-10.05(3)(a) be affirmatively approved by the Executive Director prior to operation or construction. Any incomplete form shall be returned to the applicant for further information, and the 45-day EPC review will re-start upon Executive Director's receipt of the amended form. Any person aggrieved by the decision of the EPC Executive Director may challenge the decision pursuant to Section 9 of the EPC Act and Section 1-2.30, Rules of the EPC.

(3) General Requirements for All Motor Vehicle Racing Facilities.

(a) In addition to the form required above, no person shall begin construction or begin operation of a new racing facility, or begin alteration or expansion of a racing facility existing as of the date of this rule without first submitting a written demonstration of ability to comply with the sound level limits in Section 1-10.05(1)(a). The demonstration shall include but not be limited to modeling by an acoustical expert to demonstrate compliance. The demonstration will be reviewed by EPC staff, and construction, alteration or expansion can not commence prior to approval by the Executive Director. The Competitive Motor Vehicle Events form shall be submitted in conjunction with the demonstration.

(b) All motor vehicles participating in racing events shall be inspected by designated raceway personnel prior to each race to ensure that appropriate sound-attenuating mufflers are being used during the racing event and all preliminary race activities. A written record of the following information shall be maintained: the date, time and place of inspection; the person performing the inspection; description of vehicle inspected; and results of the inspection.

(c) The Competitive Motor Vehicle Events form will include the following information for all races scheduled for the next calendar year:

(1) Name, address, and telephone number of the person, firm, corporation, or other entity responsible for the racing events.

(2) Name and telephone number of a responsible party who may be reached during all racing events.

(3) Location, dates and times of all racing events for that calendar year, including the beginning and ending times of the races, and the number and types of vehicles in the races.

(4) Descriptions of all measures, methods, and work practices used to reduce the volume of noise pollution generated by the racing events.

(5) Provisions for employee training, including familiarization with the requirements of this rule.

(6) Provisions for trackside and boundary noise pollution monitoring.

(d) All records of operations, inspections and noise pollution monitoring shall be retained on site for a minimum of two years and made available to EPC staff upon request.

(e) All racing facilities shall allow EPC personnel access to the premises at reasonable times to copy records, inspect or monitor the operations to determine compliance with EPC rules.

(f) Any deviation from the hours of operation or dates of operation shall be reported to EPC staff within 24 hours of the occurrence.

(4) Specific Requirements for East Bay Raceway.

(a) During East Bay Raceway's current annual race event, which is not to exceed six consecutive weeks, the races shall end by 10:30 p.m. with a one-hour extension for delays.

(b) East Bay Raceway's regular season races on Friday and Saturday nights shall end by 11:30 p.m. with a thirty-minute extension for delays. Regular season Sunday races are for emergency make-up only and are allowed from 5 p.m. to 10:30 p.m.

(c) East Bay Raceway shall keep records of race stop times for each race day, and the number and types of vehicles participating in each event.

Section History – amended 9/18/2008 and amendment effective 9/18/2008.

1-10.06 WAIVER OR VARIANCE

Persons may apply for a waiver or variance to all or a portion of this rule by filing an application pursuant to section 1-2.50, Rules of the EPC.

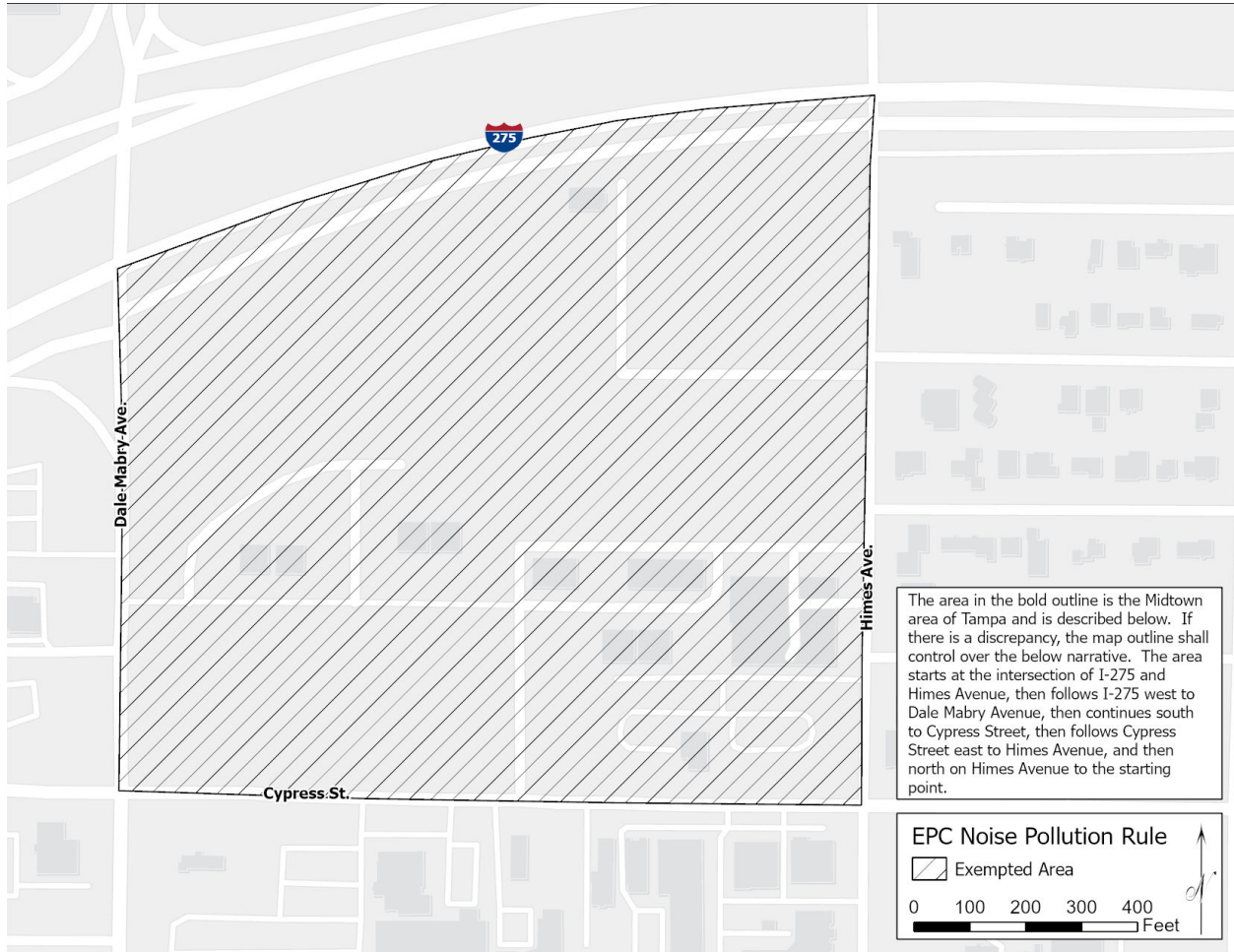
Section History – amended 9/18/2008 and amendment effective 9/18/2008.

1-10.08 METHODOLOGY

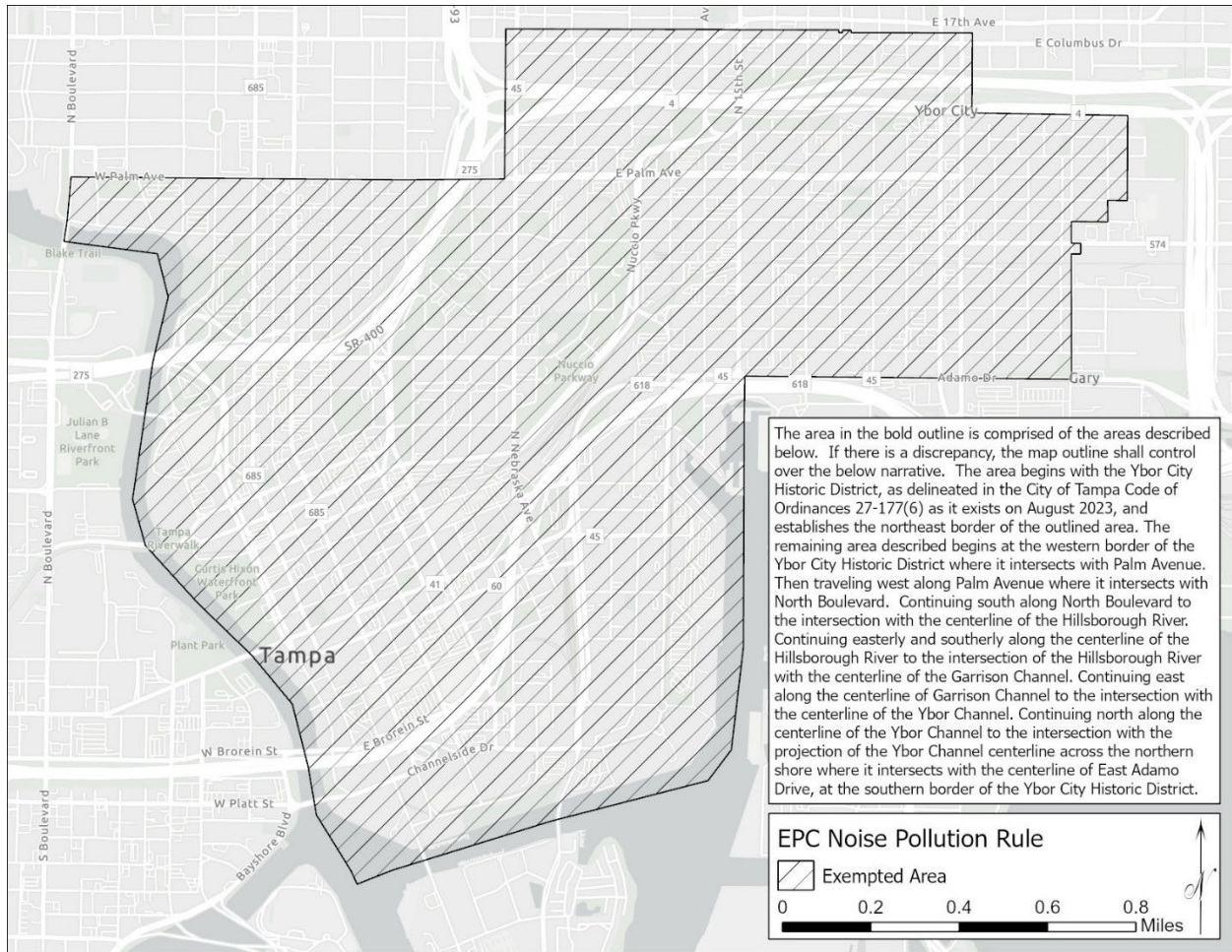
EPC staff maintains standard operating procedures for measuring sound levels and analyzing them in accordance with the provisions of this rule. These procedures are not adopted by this rule and may be revised as necessary to address updated standards applicable to the measurement and analysis of sound levels.

Section History – adopted 9/18/2008 and effective 9/18/2008.

Map 1 for exemption detailed in Subsection 1-10.04(14), Rules of the EPC



Map 2 for exemption detailed in Subsection 1-10.04(14), Rules of the EPC



Rule History:

- Adopted 6/10/1976*
- Amended 4/13/1978*
- Amended 9/1/1982*
- Amended 11/15/1984*
- Amended 11/11/1988*
- Amended 10/05/1989*
- Amended 05/23/1990*
- Amended 05/22/1991*
- Amended 06/20/1995*
- Amended 01/17/1996*
- Amended 12/19/2000*
- Amended 08/19/2004*
- Amended via Circuit Court Ruling 02/25/2005*
- Amended 09/18/2008 and Effective 09/18/2008*
- Amended 8/9/2012 and Effective 8/20/2012*
- Amended 9/21/2023 and Effective 9/25/2023*
- Amended 10/19/2023 and Effective 10/20/2023*