

REGULAR MEETING  
MAY 28, 2013  
5:30 P.M.

Book 33 Page 440

The Lafayette County Commission met on the above date and hour for a regular scheduled meeting. The meeting was held in the County Commissioner's Meeting Room in Mayo, Florida. The following members were present: Commissioner Lance Lamb, Dist. 1; Commissioner Gail Garrard, Dist. 2; Commissioner Donnie Hamlin, Dist. 3; Commissioner T. Jack Byrd, Dist. 4; Commissioner Earnest L. Jones, Dist. 5; and Lafayette County Attorney Leenette McMillan-Fredriksson.

### **APPROVE THE MINUTES**

On a motion by Mr. Jones and a second by Mr. Byrd, the Board voted unanimously to approve the minutes.

### **SUWANNEE OAKS SUBDIVISION RESIDENT COMPLAINT**

Mr. Hector Hernandez addressed the Board regarding a resident complaint against him in Suwannee Oaks Subdivision. The Board informed him that the agreement was for him to have 1 cow and 2 goats and that agreement was still in effect.

### **RIVER RENDEZVOUS**

Mrs. Susie Page, with the River Rendezvous, discussed a proposed Tourism Tax for the county. The Board reviewed the information that she handed out and agreed to discuss it at a later meeting.

### **AWARD BID FOR GARBAGE TRUCK**

On a motion by Mr. Byrd and a second by Mr. Hamlin, the Board voted unanimously to buy the 43 yard garbage truck without the extra attachments.

The Board also opened quotes for loan installment interest. The bids were as follows: Drummond Community Bank - 2.375 %; First Federal Savings Bank - 2.99%; and Lafayette State Bank - 1.65%. On a motion by Mr. Byrd and a second by Mr. Hamlin, the Board voted unanimously to approve Lafayette State Bank's quote as the lowest interest rate. On a motion by Mr. Jones and a second by Mr. Hamlin, the Board voted unanimously to authorize Mr. Lamb to sign all necessary documents.

**NOISE ORDINANCE**

On a motion by Mr. Jones and a second by Mrs. Garrard, the Board voted unanimously to have Mrs. McMillan-Fredriksson read the proposed Noise Ordinance by title only. On a motion by Mr. Jones and a second by Mrs. Garrard, the Board voted unanimously to approve the Noise Ordinance.

**STREET NAMING ORDINANCE**

On a motion by Mr. Jones and a second by Mr. Byrd, the Board voted unanimously to have Mrs. McMillan-Fredriksson read the proposed amendment to the Street Naming Ordinance by title only. On a motion by Mr. Jones and a second by Mr. Byrd, the Board voted unanimously to approve the amendment to the Street Naming Ordinance.

**APPROVE THE BILLS**

On a motion by Mr. Hamlin and a second by Mr. Jones, the Board voted unanimously to approve the following bills:

General Fund - \$32,339.73

Emergency 911 Fund - \$9,179.04

Industrial Park Fund - \$476.22

**MODIFICATION TO SHIP/CDBG AGREEMENT**

On a motion by Mrs. Garrard and a second by Mr. Hamlin, the Board voted unanimously to approve a modification to a SHIP/CDBG Agreement for Driscoll and Anita Bell, and to authorize Mr. Lamb to sign the modification.

**ADOPT A RESOLUTION FOR CIVILITY MONTH**

On a motion by Mr. Byrd and a second by Mr. Jones, the Board voted unanimously to adopt a resolution declaring May as "Civility Month".

**ROAD NAME FOR ROAD GOING TO ELLIOT CEMETERY**

On a motion by Mr. Hamlin and a second by Mr. Byrd, the Board voted unanimously to have Mrs. McMillan-Fredriksson draft a resolution naming the road going to the Elliot Cemetery as Elliot Cemetery Road.

**INDIGENT BURIAL REQUEST**

On a motion by Mr. Hamlin and a second by Mr. Byrd, the Board voted unanimously to approve an Indigent Burial Request for Luerina Hurst.

**ADJOURN**

On a motion by Mr. Jones and a second by Mr. Byrd, the Board voted unanimously to adjourn.

  
\_\_\_\_\_  
Lance Lamb, Chairman

Attest:

By: Hannah Owens  
Ricky Lyons, Clerk



Approved this 10<sup>th</sup> day of June, 2013

RESOLUTION NO. 2013- 5-2-2

**A RESOLUTION OF THE LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS DESIGNATING A COUNTY ROAD AS ELLIOTT CEMETERY ROAD; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Lafayette County Commission desires that the roads in Lafayette County be properly marked and identifiable; and

**WHEREAS**, from time to time, changes or updates to road names are necessary; and

**WHEREAS**, it is necessary at this time to name a Lafayette County road.

**NOW, THEREFORE, BE IT RESOLVED** that the un-named county road that travels in a westerly direction off NE Rowan Road shall be henceforth known as **ELLIOTT CEMETERY ROAD**.

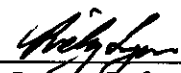
This resolution shall take effect immediately upon passage.

**DULY PASSED AND ENACTED** by the Board of County Commissioners of Lafayette County, Florida, this 28th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS  
LAFAYETTE COUNTY, FLORIDA

BY:   
LANCE F. LAMB, Chairperson

ATTEST:

  
Ricky Lyons, Lafayette County Clerk of Court

cc: Lafayette County Property Appraiser



**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

**Book 33 Page 444**

May 31, 2013

Honorable Ricky Lyons  
Clerk of Court  
Lafayette County  
Post Office Box 88  
Mayo, Florida 32066

Dear Mr. Lyons:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 29, 2013 and certified copies of Lafayette County Ordinance Nos. 2013-03 and 2013-04, which were filed in this office on May 31, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

MAYO FREE PRESS  
Published Weekly  
Post Office Box 148- Phone 935-4440  
Branford, Lafayette County, Florida 32008

STATE OF FLORIDA  
COUNTY OF LAFAYETTE:

Before the undersigned authority personally appeared

LOUISE SHEDDAN

who on oath says that she is  
Legal Secretary

of The Mayo Free Press, a weekly newspaper  
published in Mayo in Lafayette County, Florida;  
that the attached copy of advertisement, being a

LEGAL NOTICE

in the matter of

ORDINANCE NO. 2013-\_\_\_\_\_

was published in said newspaper in the issues of

APRIL 18, & 25, 2013

Affiant further says that the said, The Mayo Free Press is a newspaper published at Mayo in said Lafayette County, Florida, and that the said newspaper has heretofore been continuously published in said Lafayette County, Florida, each week and has been entered as second class mail matter at the post office in Mayo, in said Lafayette County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*Louise Shedd*

Sworn to and subscribed before me this 25th day of April, 2013.

*Monja Slater*  
(SEAL) Notary Public

Personally known to or produced identification \_\_\_\_\_

Type of identification produced \_\_\_\_\_

LEGAL NOTICE  
NOTICE OF ENACTMENT  
OF ORDINANCE

BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA

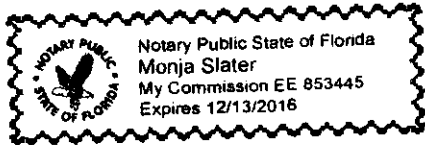
NOTICE IS HEREBY GIVEN that an ordinance, whose title hereinafter appears, will be considered for enactment by the Board of County Commissioners, Lafayette County, Florida, at a public hearing held on May 27, 2013, at 5:30 p.m., or as soon thereafter as the matters can be heard, in the County Commissioner's Meeting Room, Lafayette County Courthouse, located at 120 West Main Street, Mayo, Florida. Copies of said ordinance may be inspected by any member of the public at the Office of the County Clerk located at Lafayette County Courthouse, 120 West Main Street, Mayo, Florida, during regular business hours. On the date, time and place first above mentioned, all interested persons may appear and be heard with respect to the ordinance.

ORDINANCE NO. 2013-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF LAFAYETTE COUNTY, FLORIDA, AND UNINCORPORATED AREAS OF UNINCORPORATED AREAS ARE NEGATIVELY IMPACTED; PROVIDING FOR EFFECTIVE RECITALS; PROVIDING REAFFIRMATION OF AUTHORITY; PROVIDING FOR JURISDICTION; PROVIDING BREACH OF THE PEACE AND VIOLATING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearings may be conducted on one or more future dates. Any interested party shall be advised that the date, time and place of any continuation of the public hearings shall be announced during the public hearings and that no further notice concerning the matters will be published.

All persons are advised that, if they decide to appeal any decision made at the public hearings, they will need a certified copy of the proceedings and, for each hearing, they may need to ensure that a certified record of the proceedings is made. Such record includes the testimony and other evidence upon which the appeal is being based.  
04/18, 2013



COUNTY: ( Letcher ) COUNTY ORDINANCE # ( 2013-03 )  
(e.g., 93-001)

PRIMARY KEYFIELD  
DESCRIPTOR: ( NOISE )

SECONDARY KEYFIELD  
DESCRIPTOR: ( )

OTHER KEYFIELD  
DESCRIPTOR: ( )

ORDINANCE DESCRIPTION: ( NOISE CONTROL )  
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: ( ); AMENDMENT # 2: ( )

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: ( ); REPEAL # 3: ( );  
REPEAL # 2: ( ); REPEAL # 4: ( )

(Others repealed: list all that apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ( )

KEYFIELD 1 CODE: ( ) KEYFIELD 2 CODE: ( )

KEYFIELD 3 CODE: ( ) Nov. 4/20/03

ORDINANCE NO. 2013- 03

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE ORIGINATING WITHIN THE UNINCORPORATED AREAS OF LAFAYETTE COUNTY, FLORIDA, AND WHERE PROPERTY OR PERSONS IN THE UNINCORPORATED AREAS ARE NEGATIVELY AFFECTED; PROVIDING FOR EFFECT OF RECITALS; PROVIDING RECOGNITION OF AUTHORITY; PROVIDING FOR JURISDICTION; PROHIBITING BREACH OF THE PEACE AND LIMITING THE UNREASONABLE AND EXCESSIVE LEVELS OF NOISES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES ; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Lafayette 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 has been a recurring issue in Lafayette 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 Lafayette County while also protecting the public from excessive noise; 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, 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 Lafayette County to comply with the County noise regulations as this ordinance provides clarity on infractions, violations, and assessment of penalties; and,

**WHEREAS**, the Board finds that the benefit to be enjoyed by citizens of the County will outweigh the costs associated with the enactment of this ordinance and thus the enactment of this ordinance will be in the best interest of the citizens of the County; and,

**WHEREAS**, the Board has held a properly noticed public hearing and has considered all of the matters presented at such hearing prior to the adoption of this ordinance; and,



WHEREAS, the Board has complied with all other requirements imposed by Florida law for the enactment of this ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY:**

1. **Effect of Recitals.** The above recitals are hereby incorporated into this ordinance as if restated herein and constitute the legislative findings and intent of the Board of County Commissioners (hereinafter the "Board") of Lafayette County, Florida (hereinafter the "County").

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 the intent of the Board of County Commissioners of Lafayette 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.

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 or ordinary sensibilities. This ordinance shall be in effect within the unincorporated areas of Lafayette 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 Lafayette County Sheriff's Office and Code Enforcement.

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 or 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 to 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 condominium, townhouses, or apartments.

(E) "Dwelling Unit" means a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, or owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure, and containing sleeping facilities or cooking facilities.

(F) "Unprovoked" means that the complaining witness has been conducting himself or herself peacefully and lawfully and not provoking any sort of behavior by another.

(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.

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

**General Prohibition:** It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the county.

6. **Specific Prohibitions and Restrictions:** The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Code, but said enumeration shall not be deemed to be exclusive:

(A) **Horns, signaling devices, or similar devices.** The sounding of any horn or signaling device on any automobile, motorcycle, 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 an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(B) **Railway locomotive whistle or bell.** Unnecessary blowing of the whistle or ringing the bell of railway locomotive engines which is disturbing to the peace, quiet, and repose of persons in the vicinity.

(C) **Radios, phonographs, other devices for production or reproduction of sound.** The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber or on the premises at which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m., or at any time on Sunday, in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, vehicle or grounds/premises at which it is located shall be prima facie evidence of a violation of this subsection.

(D) ***Loudspeakers, amplifiers for advertising.*** The using, operating or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(E) ***Drum, loudspeaker, etc.*** The use of any drum, loud-speaker or other instrument or device for the purpose of attracting attention, by creation of any noise, to any performance, show, or sale or display of merchandise.

(F) ***Peddlers, hawkers and vendors.*** The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(G) ***Yelling, shouting, etc.*** Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(H) ***Steam whistle.*** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon the request of proper county officials.

(I) ***Exhausts.*** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(J) ***Defect in vehicle or load.*** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(K) ***Construction or repairing of buildings.*** The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(L) ***Near schools, courts, churches, hospitals.*** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided, as to school, hospitals and courts, that conspicuous signs are displayed in the street indicating that the same is a school, hospital or court street.

(M) ***Metal rails, pillars and columns; transportation thereof.*** The transportation of rails, pillars or columns of iron, steel, or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such street or other public places.

(N) ***Pile drivers, hammers, similar appliances.*** The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(O) ***Motorcycles, minibikes, trail bikes and like vehicles.*** The riding of a motorcycle, motor bike, trail bike or similar two-wheel vehicle after the hours of 9:00 p.m. Further, it shall be unlawful to ride any such vehicle except on public thoroughfares or streets including driveways to and from said streets as well as parking areas.

7. **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 Lafayette 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.

(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 Lafayette County provided the activities shall be in accordance with the conditions and limitations stated on the permit.

(F) 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.

(G) Gun ranges consistent with §823.16, F.S., as amended from time to time.

(H) Emergency sirens, church bells, clocks, or bell towers chimes shall be exempt.

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

(J) Noise associated with farming equipment or agricultural purposes; for example, irrigation pumps, as long as the noise produced by said agricultural equipment or pursuit is not unreasonable.

**8. Temporary Noise Permits.**

The County Commission [or designee] is authorized to issue a temporary noise permit to allow noise normally prohibited. 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 activity has obtained all other required permits. A charge of \$100.00 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, unless authorized by the Board. Violation of a temporary noise permit shall result in revocation and penalties as set out in this ordinance in Section 10, Penalties. 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. Appeal may be made to the County Commission.

**9. Enforcement.**

(A) This ordinance is enforceable by the law enforcement agency which takes the complaint, including the Lafayette County Sheriff and Lafayette County 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 supply 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 a violation of the specific noise prohibitions provided in Section 6.

(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.
- i) 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 Clerk.* 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 an order to show cause upon the request of the County. The court order 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 order 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.

**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 Lafayette County Judge. Citations shall be subject to the following penalties:

- (1) First citation        \$100.00
- (2) Second citation    \$200.00
- (3) Third citation      \$300.00
- (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 (\$500.00).

(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 with results in breaches of the peace or is a flagrant disregard of provision 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 (\$500.00).

(D) *Mitigation.* The 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 the court in conjunction with a penalty fine or mitigation costs.

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.

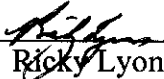
12. **Severability and Repeal.** If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be invalidated.

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 Lafayette County, Florida, this 28 day of **May, 2013**.

BOARD OF COUNTY COMMISSIONERS  
LAFAYETTE COUNTY, FLORIDA

BY:   
Lance F. Lamb, Chairman

ATTEST:   
Ricky Lyons, Clerk



MAYO FREE PRESS  
Published Weekly  
Post Office Box 148- Phone 935-4440  
Branford, Lafayette County, Florida 32008

STATE OF FLORIDA  
COUNTY OF LAFAYETTE:

Before the undersigned authority personally appeared

LOUISE SHEDDAN

who on oath says that she is  
Legal Secretary

of The Mayo Free Press, a weekly newspaper  
published in Mayo in Lafayette County, Florida;  
that the attached copy of advertisement, being a

LEGAL NOTICE

in the matter of

ORDINANCE NO. 99-1

was published in said newspaper in the issues of  
APRIL 18, & 25, 2013

Affiant further says that the said , The Mayo  
Free Press is a newspaper published at Mayo in  
said Lafayette County, Florida, and that the said  
newspaper has heretofore been continuously published  
in said Lafayette County, Florida, each week and has  
been entered as second class mail matter at the post  
office in Mayo, in said Lafayette County, Florida,  
for a period of one year next preceding the first  
publication of the attached copy of advertisement;  
and affiant further says that he has neither paid  
nor promised any person, firm or corporation any  
discount, rebate, commission or refund for the pur-  
pose of securing this advertisement for publication  
in said newspaper.

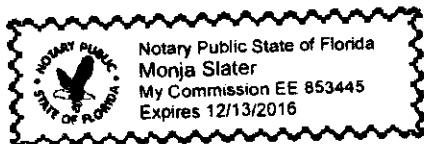
*Louise Shedd*

Sworn to and subscribed before me this 25th day of  
April, 2013.

*Monja Slater*  
(SEAL) Notary Public

Personally known A or produced identification \_\_\_\_\_

Type of identification produced \_\_\_\_\_



LEGAL NOTICE  
NOTICE OF ENACTMENT  
OF ORDINANCE

BY THE BOARD OF COUNTY COMMISSIONERS  
OF LAFAYETTE COUNTY,  
FLORIDA

NOTICE IS HEREBY GIVEN that an ordinance, whose title hereinafter appears, will be considered for enactment by the Board of County Commissioners, Lafayette County, Florida, at a public hearing held on May 27, 2013, at 9:00 p.m., or as soon thereafter as the matter can be heard, in the County Commissioner's Meeting Room, Lafayette County Courthouse, located at 120 West Main Street, Mayo, Florida. Copies of said ordinance may be inspected by any member of the public at the Office of the County Clerk located at Lafayette County Courthouse, 120 West Main Street, Mayo, Florida, during regular business hours. On the date, time and place first above mentioned, all interested persons may appear and be heard with respect to the ordinance.

ORDINANCE NO. 99-1  
STREET NAMING ORDINANCE  
AMENDED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, AMENDING A COUNTY WIDE STREET NAMING AND ADDRESSING POLICY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public hearings may be continued to one or more future dates. Any interested party shall be advised that the date, time and place of any continuation of the public hearings shall be announced during the public hearings and that no further notice concerning the matters will be published.

All persons are advised that, if they decide to appeal any decision made at the public hearings, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is taken, which record includes the testimony and evidence upon which the appeal is to be based.  
04/18, 2013

6B

COUNTY: ( Lafayette ) COUNTY ORDINANCE # ( 2013-04 )  
(e.g., 93 - 001)

PRIMARY KEYFIELD  
DESCRIPTOR: ( 911 )

SECONDARY KEYFIELD  
DESCRIPTOR: ( )

OTHER KEYFIELD  
DESCRIPTOR: ( )

ORDINANCE DESCRIPTION: ( Street Naming )  
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: ( 99-1 ); AMENDMENT # 2: ( )

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: ( ); REPEAL # 3: ( );  
REPEAL # 2: ( ); REPEAL # 4: ( );

(Others repealed: list all that apply):

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ( )

KEYFIELD 1 CODE: ( ) KEYFIELD 2 CODE: ( )

KEYFIELD 3 CODE: ( ) Nov. 4/20/03

2013-04

ORDINANCE NO. 99-1  
STREET NAMING ORDINANCE  
AMENDMENT

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, ESTABLISHING A COUNTY WIDE STREET NAMING AND ADDRESSING POLICY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY FLORIDA, that:

1. That there is a need to amend Ordinance No. 99-1 "Street Naming Ordinance" in that a department needs to be assigned by the County Commission to periodically produce a list of corrected roadways and addresses for placement in the countywide street name and address database.

THEREFORE, ORDINANCE NO. 99-1, SECTION FOUR, PARAGRAPH A is amended to include the following PARAGRAPH A (1) to read:

(1) The department assigned by the County Commission to coordinate the addressing for 9-1-1 shall periodically produce a list of corrected roadways and addresses to the Board for permanent placement into the countywide street name and address database. Corrected roadways and addresses shall be adopted by Resolution of the Board.

2. All other sections and subsections of Ordinance No. 99-01 shall remain the same.

3. This Ordinance shall take effect as provided by law and the Clerk is directed to send a certified copy to the Secretary of State of the State of Florida as provided by law.

PASSED by the Board of County Commissioners of Lafayette County, Florida, this 29<sup>th</sup> day of May, 2013.

BOARD OF COUNTY COMMISSIONERS  
LAFAYETTE COUNTY, FLORIDA

BY: *Lance F. Lamb*  
Lance F. Lamb, Chairman

ATTEST: *Ricky Lyons*  
Ricky Lyons, Clerk

2013-5-2-1

# PROCLAMATION

*Whereas*, the open exchange of public discourse is essential to the democratic system of government; and

*Whereas*, as a cornerstone of democracy Americans have observed certain rules of behavior generally known as civility;

*Whereas*, civility, derived from the Latin words "civitas" meaning city and "civis" meaning citizen, is behavior worthy of citizens living in a community or in common with others; and

*Whereas*, displays of anger, rudeness, ridicule, impatience, and a lack of respect and personal attacks detract from the open exchange of ideas, prevent fair discussion of the issues, and can discourage individuals from participation in government; and

*Whereas*, civility can assist in reaching consensus on diverse issues and allow for mutually respectful ongoing relationships; and

*Whereas*, civility can uplift our daily life and make it more pleasant to live in an organized society; and

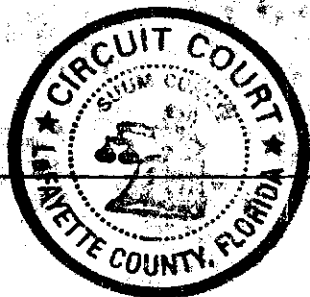
*Whereas*, the City, County and Local Government Law Section of The Florida Bar urges the adoption of a pledge of civility by all citizens in the State of Florida.

*Now, therefore, be it resolved*, by the County Commission of the County of Levy that the month of May is proclaimed as Civility Month, and calls upon all citizens to exercise civility toward each other.

*Passed and adopted* this 28 day of May, 2013.

ATTEST:

[Signature]  
CLERK



[Signature]



## LAFAYETTE COUNTY BUILDING DEPARTMENT REPORT FOR MAY 2013

PERMIT	IMPACT FEE	NEW CONSTRUCTION	MOBILE	CAMPER	MISC	SRCHG	TOTAL
2M13-070					200.00	6.00	206.00
2M13-71		228.19				6.85	235.04
2M13-72					75.00	4.00	79.00
2M13-73					75.00	4.00	79.00
2M13-74		LBCC			no fee		no fee
2M13-75					120.00	4.00	124.00
2M13-76					150.00	4.50	154.50
2M13-77					150.00	4.50	154.50
2M13-78	300.00		150.00				450.00
2M13-79		111.00				4.00	115.00
2M13-80					100.00	4.00	104.00
2M13-81					91.20	4.00	95.20
2M13-82		LBCC				No fee	No fee
2M13-83					60.00	4.00	64.00
2M13-84					60.00	4.00	64.00
2M13-85			300.00		150.00	4.50	454.50
2M13-86					100.00	4.00	104.00
2M13-87			300.00		150.00	4.50	454.50
2M13-88			150.00		150.00	4.50	304.50
2M13-89					150.00	4.50	154.50
2M13-90					75.00	4.00	79.00
2M13-91					75.00	4.00	79.00
<b>TOTALS</b>	<b>300.00</b>	<b>339.19</b>	<b>900.00</b>	<b>0.00</b>	<b>1931.20</b>	<b>83.85</b>	<b>3554.24</b>
MISC. = ROOF, PLUMBING, ELECTRICAL, AG POLES, HOODS, STORAGE, REMODEL							

Bank Code: A General Fund					
Check Number	Check Date	Vendor Number	Name	Check Amount	Check Type
049946	5/27/2013	CA	Communications Associates	2,938.18	Auto
049947	5/27/2013	CH	Certified Hydraulics, Inc.	60.35	Auto
049948	5/27/2013	CW	Culligan Water Conditioning	1.84	Auto
049949	5/27/2013	DISH	Dish Network	170.56	Auto
049950	5/27/2013	ECN	Emergency Communications Netwo	2,500.00	Auto
049951	5/27/2013	FCJDR	Fields	2,835.73	Auto
049952	5/27/2013	GB	Graphic Bites	434.50	Auto
049953	5/27/2013	MTG	Matheson Tri-Gas Inc.	416.31	Auto
049954	5/27/2013	VW	Verizon Wireless	473.30	Auto
049955	5/27/2013	AFSI	Automatic Fire Systems, Inc.	1,171.00	Auto
049956	5/27/2013	AGS	All Green Services, LLC	1,235.34	Auto
049957	5/27/2013	BES	Bureau of Elevator Safety	75.00	Auto
049958	5/27/2013	BR	Blue Rok, Inc.	1,571.08	Auto
049959	5/27/2013	CA	Communications Associates	607.00	Auto
049960	5/27/2013	CPE	Certified Plumbing & Electric	25.59	Auto
049961	5/27/2013	DE	Duke Energy	3,720.34	Auto
049962	5/27/2013	FCPA	FCPA	300.00	Auto
049963	5/27/2013	FEC	Flint Equipment Company	150.00	Auto
049964	5/27/2013	FFCA	Florida Fire Cheifs' Associati	95.00	Auto
049965	5/27/2013	GLC	Greatamerica Financial Service	169.87	Auto
049966	5/27/2013	HBVFD	Hatchbend Volunteer Fire Dept	2,000.00	Auto
049967	5/27/2013	HRA	Harold R Arthur DMD, PA	548.00	Auto
049968	5/27/2013	JDC	John Deere Credit	1,114.00	Auto
049969	5/27/2013	MP	Mayo Postmaster	276.00	Auto
049970	5/27/2013	NBF	National Business Furniture	1,004.00	Auto
049971	5/27/2013	NCFRPC	N. Cen. FL Regional Planning C	3,250.00	Auto
049972	5/27/2013	NEXTEL	Nextel Communications	44.99	Auto
049973	5/27/2013	NIGS	NI Government Services Inc	78.76	Auto
049974	5/27/2013	PE	PRIDE Enterprises	295.00	Auto
049975	5/27/2013	QC	Quill Corporation	145.45	Auto
049976	5/27/2013	SVE	Suwannee Valley Electric	1,131.92	Auto
049977	5/27/2013	TCI	Tri-County Irrigation, Inc.	42.80	Auto
049978	5/27/2013	W	Windstream	3,457.82	Auto
<b>Bank A Total:</b>				<u>32,339.73</u>	
<b>Report Total:</b>				<u>32,339.73</u>	

THESE INVOICES HAVE BEEN EXAMINED AND APPROVED FOR PAYMENT BY THE LAFAYETTE COUNTY BOARD OF COMMISSIONERS ON THIS 28TH DAY OF MAY, 2013.

*James L...*  
*Gene F. Gannard*  
*Arthur P. Hankins*  
*Jack R. ...*  
*Carnest A. Jones*

# BOARD OF COUNTY COMMISSIONERS, LAFAYETTE COUNTY, FL


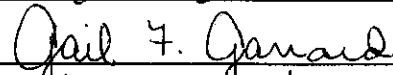
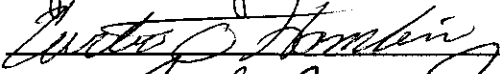
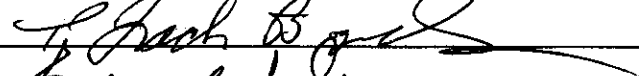
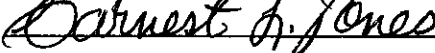
LIST OF WARRANTS DRAWN ON THE EMERGENCY 911 FUND.

Book 33 Page 463

FROM THE FIRST FEDERAL BANK, ON MAY 28, 2013.

TO WHOM ISSUED	PURPOSE OF EXPENDITURE	ACCOUNT NUMBER	WARRANT NO.	AMOUNT
AT&T	COMMUNICATIONS	526-410	_____	\$ 125.00
AK ASSOCIATES	MAINTENANCE	526-460	_____	\$ 8,640.00
WINDSTREAM	COMMUNICATIONS	526-410	_____	\$ 414.04
TOTAL				\$ 9,179.04

THESE INVOICES HAVE BEEN EXAMINED AND APPROVED FOR PAYMENT BY THE LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 28TH DAY OF MAY, 2013.

  
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# BOARD OF COUNTY COMMISSIONERS, LAFAYETTE COUNTY, FL

LIST OF WARRANTS DRAWN ON THE INDUSTRIAL PARK FUND.

Book 33 Page 464

FROM THE LAFAYETTE COUNTY STATE BANK, ON MAY 28, 2013.

TO WHOM ISSUED	PURPOSE OF EXPENDITURE	ACCOUNT NUMBER	WARRANT NO.	AMOUNT
REVELL ELECTRIC INC	MAINTENANCE	552-460		\$ 385.00
SUWANNEE VALLEY ELECTRIC	UTILITIES	552-430		\$ 91.22
TOTAL				\$ 476.22

THESE INVOICES HAVE BEEN EXAMINED AND APPROVED FOR PAYMENT BY THE LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 28TH DAY OF MAY, 2013.

*Lana Lel*  


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*Gail F. Goward*  


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*Curtis O. Humber*  


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*Jack B. ...*  


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*Carnest L. Jones*  


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