

Building and Construction Advisory Committee Minutes

The Brevard County Building and Construction Advisory Committee (BCAC) met on Wednesday, August 9, 2023, at 1:00 p.m., in the Space Coast Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

Members present: Scott Carswell, District 2; Mike Jaffe, District 3; Ralph Durham, Vice Chair, District 4; and Bruce Moia, Chair, District 5.

Staff present: Morris Richardson, County Attorney; Terry Talbert, Building Official; and Jennifer Jones, Special Projects Coordinator.

The Chair, Bruce Moia, called the meeting to order at 1:00 p.m.

Approval of June 7, 2023, Minutes

Motion by Ralph Durham, seconded by Scott Carswell, to approve the minutes of June 7, 2023. The motion passed unanimously.

Amendment to Chapter 46 – Environment, Article IV. – Noise, and Chapter 62 – Land Development Regulations, Article VI. – Zoning Regulations, Division 6. – Supplemental Regulations, Subdivision III. – Performance Standards, Section 62-2271 – Noise.

Morris Richardson, County Attorney, stated there are technical difficulties with enforcing the current noise ordinances. The proposed ordinances add consistency, remove some subjectivity and replace it with objectivity to make it more uniformly enforceable. The noise ordinances are set forth in two places, one is Chapter 46, which is the environmental portion of the code relating to 'loud and raucous' noise. Chapter 46 has a list of things that cannot be done at all, and the proposed ordinance carries over most of those and refines the list. The State had a similar issue with traffic laws and audio from cars, there was a similar subjective standard, so it moved to the 'plainly audible standard', and now if music in a car is plainly audible to an officer at 25 feet away, the driver can be issued a citation, and the courts have upheld that. The proposed ordinance replaces 'loud and raucous' with 'plainly audible', so if the noise is plainly audible at a distance of 150 feet at night, or 300 feet during the day, it is a violation. Chapter 62 is the Land Development Regulations, which includes Performance Standards, and among those is a category on noise. Currently, the code contains language about decibel meters and maximum decibels, and the proposed ordinance would move almost all of that into Chapter 46 so it's cohesive code. What would remain in the Performance Standards would be a pointer to Chapter 46 to say Chapter 46 cannot be violated. The current decibel limitations will be maintained, but the ordinance would add the ability to use the C-weighted scale, which is better at picking up low noises. Another change in the proposed ordinance is that the average measurement of sound over 15 minutes has been reduced to 30 seconds. The proposed ordinance treats construction generally in the same manner as it was treated previously, which is that it prohibits loud construction activity associated with drilling or demolition outside of the hours of 7 a.m. to 8 p.m., Monday through Saturday, and any time on Sunday; the proposed ordinance adds the ability to get approval from the Building Official to do work that has to be done overnight and creates noise. Enforcement of the ordinance will remain the same, either the Sheriff can treat it as a second degree misdemeanor violation, punishable by \$500 per day, or 60 days in jail, or address it through Code Enforcement, where after a property owner gets a number of warnings, and a notice of violation issued, they will appear before the Special Magistrate to determine if there has been a violation, and if the Magistrate finds there has been a violation, the violation has to be corrected and complied, or else the offender will get fined up to \$1,000 per day. A lot of noise complaints are associated with Airbnb's and vacation rentals. There are a few business and industrial things that could trigger it, but a lot of them have exemptions.

Ralph Durham asked for clarification on the distance measurement for typical noises. Mr. Richardson replied, it would be 150 feet at night, and 300 feet during the day, measured from the property line.

Mr. Durham stated residential air conditioner units are 66 – 75 decibels within 10 feet. Commercial units are anywhere between 83 – 94 decibels, so anything commercial bordering on residential properties are normal, but they could probably not be heard from 150 feet away.

Mr. Richardson stated the measurement is from the property line, but there are specific exemptions for any residential unit with air conditioning or pool pump equipment when in reasonable mechanical condition operating under the control systems typically required by the manufacturer, and a sound level not to exceed 60 dBA or 65 dBC, measured from the property line.

Bruce Moia asked where the 350 feet and 150 feet came from. Mr. Richardson replied he looked at what other jurisdictions have done and found there are a few that do less, but not many did much more. He said he also looked at Property Appraiser maps and the average distances between residences.

Mr. Moia stated the proposed ordinance mentions right-of-way, but the only definition is a public right-of-way, there is not a definition of a private right-of-way. Mr. Richardson stated he will review the ordinance and see where right-of-way appears and whether there is a reason for the distinction.

No public comment.

Motion by Ralph Durham, seconded by Mike Jaffe, to recommend approval an Amendment to Chapter 46 – Environment, Article IV. – Noise, and Chapter 62 – Land Development Regulations, Article VI. – Zoning Regulations, Division 6. – Supplemental Regulations, Subdivision III. – Performance Standards, Section 62-2271 – Noise. The motion passed unanimously.

Building Code Monthly Report

Terry Talbert, Building Official, stated new construction permits went down in June and July because of interest rates. Roofing permits are back down to normal. The number of permits issued are down from the last couple of months. The County does 99% of the inspections, and private contractors do a few inspections. As for inspections performed, if the number of permits go down, so do the inspections, so they have dropped a little. There are still 20 -23 inspections per inspector per day. Monthly inspection requests have dropped off a little because the housing dropped off a little, but staff is still busy with air conditioners, roofs, and solar systems. A lot of inspections come through the BASS system, if people use the BASS system they are guaranteed an inspection the next day.

Bruce Moia asked what Vuspex is. Mr. Talbert replied Vuspex is virtual inspections, and staff does approximately 20 roofs per day and 10 air conditioners per day. After the contractor is finished with the work and is still onsite, he can type in his permit number and take pictures, uploaded everything to the system through an app. It doesn't cost the contractor anything, and it only costs the County \$6.00 per inspection.

Adjournment

The meeting was adjourned at 1:23 p.m.