



County Attorney's Office
2725 Judge Fran Jamieson Way
Building C, Room 308
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Frank B. Abbate, County Manager

FROM: Morris Richardson, County Attorney 

SUBJ: Citizen Efficiency and Effectiveness Recommendation (CEER) #2024024

DATE: 04/01/2024

CEER #2024024 was received by the County from Richard Webb.

Citizen Statement:

1. Even with hearing aids off, the noise from narcists cars screaming "Look at me" 1,500ft away on Wickham Rd violates our Right of Quiet Enjoyment.
2. Cars with penetrating booming bass amplifiers offend our quiet enjoyment at home and while driving.
3. Noisy cars pose a safety hazzard due to not being able to hear horns, sirens and other traffic sound clues.
4. We are trying to sell a house across from the Sheriff's offices on South Street in Titusville. People are complaining about the extreme noise (and we will get a lower price) because you do not enforce noise statutes.
5. Please don't pick and choose what laws deserve enforcement like Soros-backed prosecutors do. The legislature thought our Right of Private Enjoyment was worth defending, and wrote excellent statutes

Citizen Recommendation:

1. Repeal the unworkable unclear unenforceable Brevard vehicle noise ordinance.
2. Enforce the noise statute in FS316.293 that is unambiguous, and easily enforceable.

"(a) No person shall modify the exhaust system of a motor vehicle or any other noise-abatement device of a motor vehicle operated or to be operated upon the

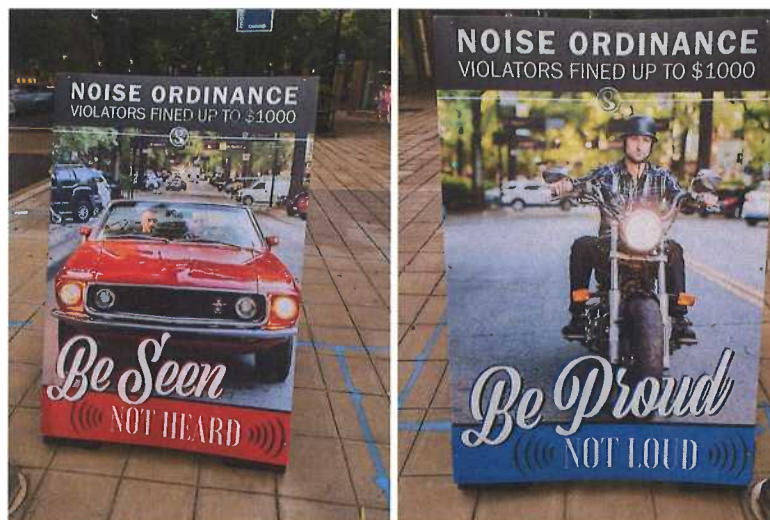
highways of this state in such a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured.

(b) No person shall operate a motor vehicle upon the highways of the state with an exhaust system or noise-abatement device so modified."

3. Issue citations to vehicle owners when reports with tag numbers are made by Brevardians.

4. Enforce FS316.3045 prohibiting loud amplification. Anyone blasting music from a car that can be heard 25 feet away can be issued \$114 fines, no decibel meter needed.

4. See attached photos of effective warning signs in Greenville, SC.



Staff Analysis:

Chapter 316, Florida Statutes, known as the Florida Uniform Traffic Control Law, was enacted to make uniform traffic laws apply throughout the state and its political subdivisions. No local authority may enact or enforce any ordinance on a matter covered by the Florida Uniform Traffic Control Law unless expressly authorized, nor may any local authority pass or attempt to enforce any ordinance in conflict with its provisions.

As noted in the citizen's recommendation, section 316.293, Florida Statutes, regulates motor vehicle operating noise and noise abatement equipment modifications. Likewise, section 316.3045, Florida Statutes, regulates the operation of radios or other mechanical or electronic soundmaking devices or instruments in motor vehicles. There is no Brevard County ordinance applicable to motor vehicles which conflicts with these statutes.

Law enforcement agencies in Brevard County, including the Brevard County Sheriff's Office are authorized to enforce sections 316.293 and 316.3045, Florida Statutes. Law enforcement

agencies exercise discretion in enforcing the provisions of the Florida Uniform Traffic Control Law, and the Board of County Commissioners has no jurisdiction or authority in this regard.

Staff Recommended Action:

It is recommended that the Board of County Commissioners reject CEER #2024024, as there is no Brevard County vehicle noise ordinance in need of repeal, and the Board of County Commissioners is without jurisdiction to enforce the provisions of the Florida Uniform Traffic Control Law.

Recommendation Details

Contact Information

Full Name: Richard Webb **Email Address:** webb4brevard@gmail.com

Mailing Address: 3184 Lago Vista Dr
Melbourne fl 32940 **Alt Email Address:** webb4brevard@gmail.com

Phone Number 321-480-5514

Group/Organization

N/A

Recommendation Information

Recommendation Title:

Quiet! !!!

Areas Affected:

Law enforcement

Department:

SHERIFF'S OFFICE

1. Even with hearing aids off, the noise from narccists cars screaming "Look at me" 1,500ft away on Wickham Rd violates our Right of Quiet Enjoyment.
2. Cars with penetrating booming bass amplifiers offend our quiet enjoyment at home and while driving.
3. Noisy cars pose a safety hazzard due to not being able to hear horns, sirens and other traffic sound clues.
4. We are trying to sell a house across from the Sheriff's offices on South Street in Titusville. People are complaining about the extreme noise (and we will get a lower price) because you do not enforce noise statutes.
5. Please don't pick and choose what laws deserve enforcement like Soros-backed prosecutors do. The legislature thought our Right of Private Enjoyment was worth defending, and wrote excellent statutes

Problem Description:


1. Repeal the unworkable unclear unenforceable Brevard vehicle noise ordinance.
2. Enforce the noise statute in FS316.293 that is unambiguous, and easily enforceable.
"(a) No person shall modify the exhaust system of a motor vehicle or any other noise-abatement device of a motor vehicle operated or to be operated upon the highways of this state in such a manner that the noise emitted by the motor vehicle is above that emitted by the vehicle as originally manufactured.
(b) No person shall operate a motor vehicle upon the highways of the state with an exhaust system or noise-abatement device so modified."
3. Issue citations to vehicle owners when reports with tag numbers are made by Brevardians.
4. Enforce FS316.3045 prohibiting loud amplification. Anyone blasting music from a car that can be heard 25 feet away can be issued \$114 fines, no decibel meter needed.
4. See attached photos of effective warning signs in Greenville, SC.

Recommendation Description

Attachments

No. Type Name

1  IMG_20230807_190804327.jpg

No.	Type	Name
2		IMG_20230807_190832787.jpg

Administrative Action

Evaluation

Recommendation Timeline

User	Status	Date	Remarks
CEER WebUser	Citizen Submitted	Dec 18, 2023	
Karen Conde	Department Assigned	Jan 5, 2024	SCGTV/COMMUNICATIONS OFFICE Assigned

Awaiting action from department director

NOISE ORDINANCE

VIOLATORS FINED UP TO \$1000

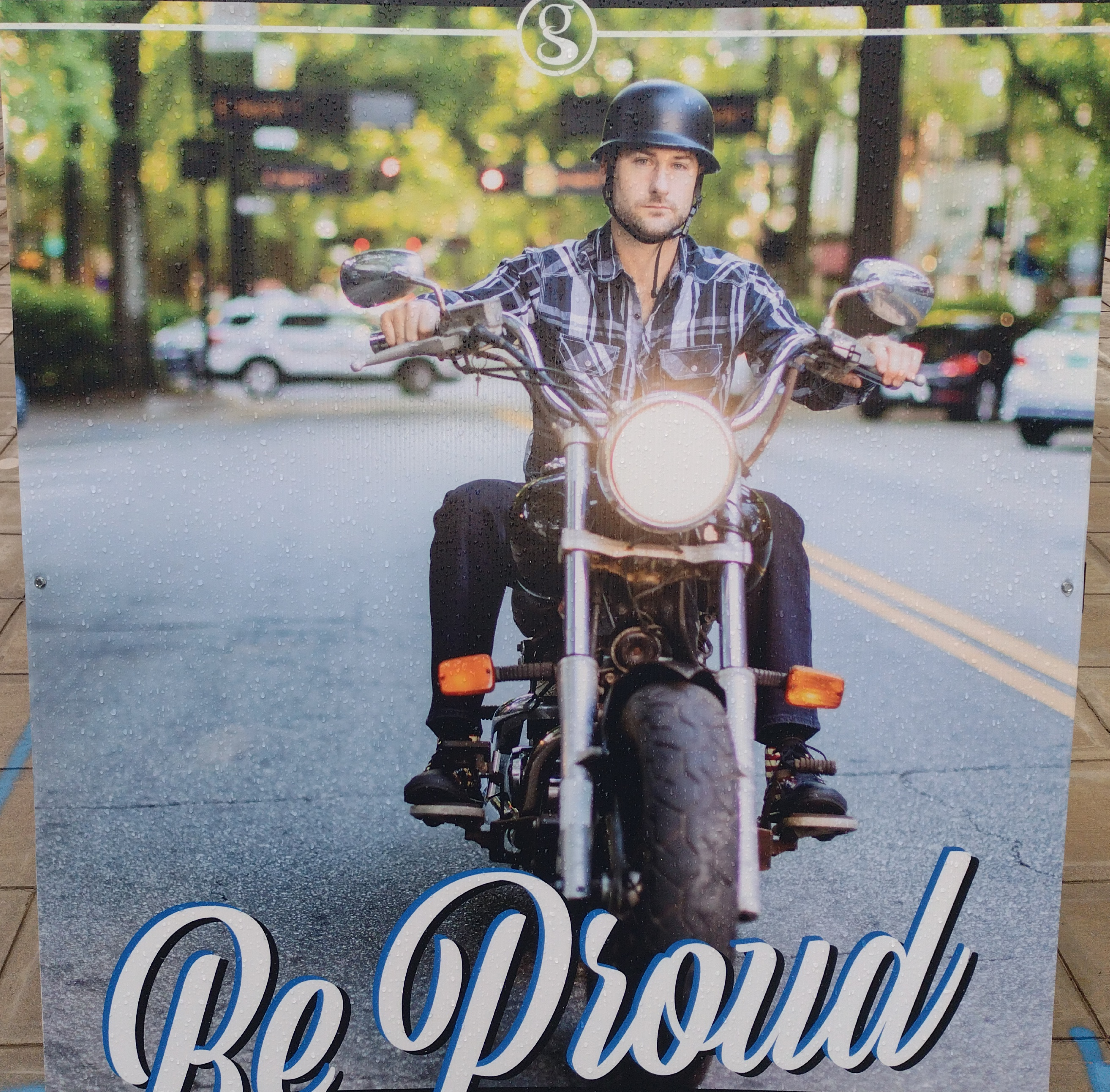


Be Seen

(((NOT HEARD)))

NOISE ORDINANCE

VOLATORS FINED UP TO \$1000



Be Proud

(((NOT LOUD)))