



Legislation Text

File #: ORD 2022-008, Version: 1

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 14, "OFFENSES," ARTICLE II, "NOISE," BY REPEALING SECTIONS 14-26 THROUGH 14-40 IN THEIR ENTIRETY AND ENACTING SECTIONS 14-26 THROUGH 14-35 TO SERVE AS THE CITY'S UPDATED NOISE REGULATIONS THAT ESTABLISH REASONABLE SOUND TOLERANCE STANDARDS THROUGHOUT THE CITY. (SECOND READING)(PUBLIC HEARING)

BACKGROUND:

At the May 12, 2022, City Commission Meeting, this item was approved on First Reading, as amended to include a new section related to the operation of lawn mowers.

Over the last several years, there have been only a few noise complaints that extend beyond a single event; however, the City's noise ordinance provisions, contained in Chapter 14, are dated and warrant an evaluation. As currently written, noise is addressed as a public nuisance with no specific sound level guidelines. This approach has made enforcement difficult in certain situations due to the subjectivity involved in applying the standard. The desire expressed by the City Commission was to move towards standards that are easier to enforce and a defined process that will lead to a reasonable outcome.

DISCUSSION:

The Noise Ordinance, as presented, is a complete rewrite of Chapter 14, Article II, "Noise," involving extensive research and evaluation of industry standards, as well as a review of what other cities have done to address noise complaints. Since the initial presentation of the Noise Ordinance at the February 2022 City Commission Workshop ("February Workshop"), the Noise Ordinance has been modified to address key issues raised by the Commission. Those key issues include limiting the required number of sworn affidavits to a single one (1) to investigate a noise complaint. Additionally, the Commission expressed a desire to incorporate the "Reasonable Person Standard," along with the maximum permissible sound levels in decibels.

The draft presented at the February Workshop essentially provided for a data-driven process that included standards for Maximum Permissible Sound Levels in decibels for nighttime and daytime hours, procedures for measuring sound using a sound level meter, and established thorough enforcement procedures related to same. While these concepts have not been abandoned in the latest draft, greater emphasis is placed on the resident or complainant and the Reasonable Sound Tolerance Standards, with a measurement of sound in decibels as an alternative option. As proposed, a Code Compliance Officer or Police Officer, on a case by case basis, may determine a

noise disturbance exists when, after hearing the noise, it is found to be so harsh, prolonged, unnatural, or unusual in time or place so as to create unreasonable discomfort to residents in close proximity. As an alternative option, in the Code Compliance Officer or Police Officer's sole discretion, he or she may measure the sound level using the established Maximum Permissible Sound Levels in decibels.

Specifically, the Noise Ordinance now provides for C-weighted sound level measurements, which, as we have learned, is a more appropriate technical approach to measuring impulsive noises such as musical instruments and bouncing balls. The inclusion of the C-scale was a recommendation that came from the City's Noise Consultant after reviewing our initial draft.

In summary, staff believes this Noise Ordinance is comprehensive and, as presented, provides the necessary tools to address future persistent noise complaints. Staff expects that the majority of noise complaints will continue to be addressed without having to enter into a formal Code/Summons process. Whenever possible, City Code Compliance Officers and Police Officers will maintain the practice and standard operating procedure of a verbal warning (a knock on the door) and a request to address the complaint in real-time. However, in those instances where complaints are not so easily addressed, we are prepared to move forward with this Noise Ordinance.

RECOMMENDATION:

Staff recommends approval of this ordinance.

FISCAL IMPACT: N/A