



Legislation Details (With Text)

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Title: Discussion of Revisions to City Ordinance 15-06 Related to "Noise Control"

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Attachments: 1. Ordinance 15-06

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8/17/2020	1	City Council	Approved	Pass

Agenda Item: 12(c)	Prepared By: Mike McNees/Dave Baer
Business: Discussion	Department: City Manager Code Enforcement

Subject:

Discussion of Revisions to City Ordinance 15-06 Related to "Noise Control"

BACKGROUND:

In 2015 the City Council adopted a revised Noise Control Ordinance that broadened the definitions of what is considered excessive, therefore illegal sound, and modified the time of day that certain sounds are considered excessive/illegal. The adopted revisions also removed all measurement-based definitions of excessive/illegal sound and eliminated the use of a sound level or "decibel" meter in the determination of what is considered excessive noise. Instead the new ordinance very broadly identifies "Noise" as "any sound that is audible to code compliance officials while standing or in a vehicle with the windows rolled down in excess of 50 feet from the noise generating property's adjacent closest property line."

Having now worked with this ordinance in place for just over four years it is appropriate to consider how well it has served the intended purpose in practice and review any unintended consequences or possible revisions to provide for more effective enforcement. Recent issues with constituents identifying chronic neighborhood noise issues have made this discussion timely as well.

The broad definitions of "noise" and the removal of some time of day parameters created certain likely unintended consequences. One example of this is that as written the ordinance defines the sound of children playing in a swimming pool in the middle of the day, if it is audible 50 feet from the property line, as excessive and therefore illegal and subject to enforcement action. (It is reasonable to assume that was not the City Council intention in 2015.)

Ordinance 15-06 also places restrictions on stereos and similar devices associated with motor vehicles and vessels. Such regulation has been ruled unconstitutional through subsequent judicial action and the ordinance needs to be modified accordingly.

It is also recommended by Code Enforcement that the ordinance be modified to clarify the regulation of sound from certain commercial establishments, i.e. restaurants that offer outdoor seating with entertainment, based on the nature of the abutting land use.

Lastly, parameters consistent with state statute should be reviewed to provide a definitive repeat offender fine schedule.

Attached for reference is a copy of Ordinance 15-06.

FUNDING SOURCE / FISCAL IMPACT: N / A

RECOMMENDATION:

The purpose of this item is for City Council to participate in a discussion of enforcement issues related to Ordinance 15-06 as facilitated by Captain Dave Baer, code enforcement supervisor. It is subsequently recommended that Council provide direction to City staff on what types of revisions, if any, they would like to see included in a revised ordinance for future consideration.

POTENTIAL MOTION: "Motion to direct staff to prepare a revised 'Noise Control' ordinance to replace Ordinance 15-06 based on the consensus of City Council as determined through this discussion."