

Nuisance Noise Ordinance





Background



- January 2020: “Intentional Noise Pollution” Petition Presented to Council
- June 2021: Council Requested a Draft of a Nuisance Noise Ordinance
- September 2021: Initial Draft of Ordinance Presented to Council
- January 2022: Council Requested Sound Study
- June 2022: Sound Study Completed
- June 2022: Two Coffee with a Cop Events Focusing on the Sound Study
- August 2022: Southside Neighborhood Sound Study Discussion Meeting
- October 2022: Press Release and Townhall Meeting to Solicit Community Input
- December 2022: Adopted Vehicle Noise Ordinance and requested a combined work group to discuss nuisance noise



Combined Work Group Update



- Downtown Business Alliance, business owners, residents, and City staff
- Met to review other ordinances
- Consensus to not use decibels and focus on minor updates to existing policy
- Work with businesses to mitigate the noise concerns



Comments and Concerns

Business Related

- Citizens feel reluctant to make public comments in support of a Nuisance Noise Ordinance out of fear of retaliation from supporters of local bars
- ‘Who is more important: My business that serves 200 people, or a couple complaining residents?’
- Make an acknowledgement of the Nuisance Noise Ordinance a condition of approval for new liquor licenses; the City is approving too many liquor licenses
- Questions about what zoning applied to certain areas
- Ordinance should cover the ability for an individual to be outside using their property with a disturbance



Draft Ordinance



- Updates entire section of FFC 6-08-01-01 to be the Nuisance Noise section and renumbers following sections.
- Section A adds some definitions (in Blue).
- Section B modifies the current ordinance proposing new days and times for noise restrictions Sunday through Thursday 10:00PM to 6:00am Friday and Saturday 12:00am to 7:00am.
- Adds language prohibiting noise that is clearly audible and that disturbs those within a residence or business.



Draft Ordinance Continued

- Measurement criteria for purposes of enforcement is proposed to be from the property of the individual who is reporting they are disturbed.
- Added to Section C list of exemptions.
- Proposed draft makes a violation a civil penalty and can chose differing amounts for the penalties:
 - Option A is same penalties as the party nuisance ordinance
 - Option B is a lower set of fines
 - Fines increase for numerous violations



Draft Ordinance Continued

- Hearing procedures are built in for those who are cited to contest the violation. Same as those for the party nuisance and vehicle noise sections.
- Draft then strikes out all the previous language in the subsequent two sections and renumbers the remaining sections.
- Added section at the end 6-08-001-0005 that requires a person who is detained for a violation of this section must provide their truthful name, date of birth and address so that they can be cited for the violation.



Nuisance Noise Ordinance Direction



1. Are the hours and days of the week for regulation satisfactory or an unlimited timeframe?
2. Option A or B for civil penalties?
3. Is there interest in adding a fourth violation related to criminal charges or business license for repeat violations?
4. Would you prefer the same civil penalty for businesses and individuals?
5. Approve the addition of failure to provide truthful name, date of birth, and address?

Council Discussion

