


POLICE

FORT PIERCE



MEMORANDUM

To: Robert J. Bradshaw, City Manager
From: R. Sean Baldwin, Chief of Police 
Date: October 13, 2014
Re: Noise Ordinance No. 14-033 Updates

The police department has drafted Ordinance No. 14-033, which revises City of Fort Pierce Code of Ordinances, Chapter 11 with respect to the regulation of noise. The ordinance has been reviewed and approved by the City Attorney's Office and placed into final form by the City Clerk's Office. With your approval, we are prepared to present Ordinance No. 14-033 to the City Commission at public hearings on November 17 and December 1, 2014.

For years, the police department has struggled with enforcement of our existing noise regulation codes (Sections 11-48 & 11-52). The existing codes are confusing, contradictory, and legally unenforceable. We have worked closely with the City Attorney Rob Schwerer and Assistant City Attorney Karen Emerson to resolve these issues and create an ordinance that is practical and enforceable.

As you know, the majority of our noise issues surface as conflicts between residential and commercial uses. Last year, we responded to multiple complaints from residents of Edgartown due to loud music from Captain Jax. For several years, we have responded to complaints from residents of Sandlewood Estates due to loud music from Skatetown. Although, we will probably never be able to find a perfect solution to this issue, we believe that the proposed ordinance establishes standards that can be regulated and enforced. Perhaps even more importantly it sets consistent expectations that commercial enterprises can monitor themselves to ensure compliance and avoid enforcement action.

The revised ordinance establishes specific noise levels, as measured by a sound meter, which are generally permissible within residential and commercial zones. We have trained officers and obtained noise measurement equipment for enforcement of this provision. We have also retained the City's existing prohibition against noise that disrupts residential neighborhoods after 11:00 p.m. Law enforcement officers may enforce this provision without sound measurement readings.

Lieutenant Robert Curry has become our resident expert in noise regulation, and he will be presenting the proposed ordinance to the City Commission. Mr. Douglas Price, an independent consultant who helped us draft the ordinance, will also be present for any technical questions. Lieutenant Curry will also be prepared to conduct a live noise level demonstration,

so that our City Commissioners have a point of reference for the noise level thresholds proposed in the ordinance.

In addition to the proposed ordinance, I have enclosed a memorandum from City Attorney Robert Schwerer (dated August 8, 2013) with a report from the Florida Municipal Attorney's Association titled Noise Control Update, by Hetal H. Desai, Assistant City Attorney, Tallahassee. This report provides an overview of the legal challenges involved in noise enforcement, some practical considerations, and a review of local ordinances throughout Florida.

RSB/sc

c: Frank J. Amandro, Deputy Chief of Police
Robert Curry, Lieutenant