



THE CITY OF KEY WEST

Executive Summary

To: Jim Scholl, City Manager
From: Jim Young, Director of Code Compliance
Date: April 7, 2016
Subject: Amendment to the Sound Control Ordinance

Action statement:

This measure proposes to amend Chapter 26 Titled Environment, Article IV Titled Sound Control, Section 26-194, Citation procedure and penalties.

Background:

On October 6, 2010 the Sound Control ordinance was amended to include a citation procedure for complaints of disturbing noise emanating from a public right of way. On April 22, 2014 the City Commission passed several changes/amendments to the Sound Control Ordinance. Recently the Code Compliance Department has received several complaints of disturbing noise where the sound source is on public right of way. During a review of section 26-194 of the code of ordinances it was discovered that the 2010 amendment had been omitted.

Options:

1. To approve the proposed ordinance revision which will reestablish the citation procedure for complaints of disturbing noise emanating from a public right of way.
2. To defeat the proposed ordinance amendment.

Recommendation:

To approve the proposed ordinance revision.

Sec. 26-194. - Citation procedure and penalties.

- (a) All citations for violations issued under this article shall be based on a complaint to the city. The complainant shall be identified by name and address, the sound source shall be identified, and the investigating noise control officer shall verify all information provided by the complainant. The officer shall provide the complainant with a copy of the complaint form which may serve as a record of complaints relating to a property.
- (b) Citations issued for unreasonably excessive noise under this article shall be of a content-neutral character.
- (c) Any investigating noise control officer may issue a citation to an offender under this article.
- (d) The investigating noise control officer may issue a warning if in his or her judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning issued during any six (6) month period.
- (e) Any person who violates any provision of this chapter and who shall be found violating or found in violation of any provision of this chapter shall be subject to the penalties as prescribed in chapter 2, article VI, division 2 of the Code of Ordinances for the City of Key West.
- (f) Notwithstanding the provisions of paragraphs (b) and (c) above, a complaint of disturbing noise may be made at any distance from a commercial or residential property when the location of the sound source is a public right of way. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of is or her property. The investigating officer may issue a warning if in his or her judgement a warning is sufficient to cease the violation. There shall be no more than a total of one warning issued during any twelve month period.

(Coding: Added language is underlined; deleted language is ~~struck through~~. Added language for second reading is double-underlined; deleted language is double ~~struck through~~.)