

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES  
ENTITLED "ENVIRONMENT" BY AMENDING ARTICLE IV,  
ENTITLED "SOUND CONTROL" BY AMENDING SECTION 26-  
194, "CITATION PROCEDURE AND PENALTIES," TO ADD A  
PROVISION FOR COMPLAINTS WHERE THE SOUND SOURCE IS  
ON PUBLIC RIGHT OF WAY; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS;  
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds disturbing noise can  
have an adverse effect on residents and visitors by affecting  
the use and enjoyment of public and private properties; and

WHEREAS, in a prior amendment to the sound control ordinance,  
a provision which addresses complaints of disturbing noise where  
the sound source is on public right-of-way was omitted from the  
ordinance text, and will herein be added to the ordinance; and

WHEREAS, the regulation of disturbing noise promotes the  
health, safety and welfare of the citizens and visitors of the  
City of Key West; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST  
FLORIDA:

Section 1: That section 26-194 of the Code of  
Ordinances is hereby amended as follows\*:

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.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

(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 his 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 (12) month period.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Filed with the Clerk \_\_\_\_\_, 2016.

Mayor Craig Cates	_____
Vice Mayor Clayton Lopez	_____
Commissioner Sam Kaufman	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK