

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, ENTITLED "ENVIROMENT", BY AMENDING ARTICLE IV ENTITLED "SOUND CONTROL", AMENDING SECTION 26-192(B) TO REMOVE THE DECIBEL LEVELS WITHIN THE CORE COMMERCIAL DISTRICT AND ESTABLISH A DISTURBING NOISE STANDARD AND AMENDING SECTION 26-192(3) AMENDING THE DEFINITION OF A COMPLAINT OF DISTURBING NOISE TO WITHIN 100 FEET OF A COMMERCIAL DISTRICT SOUND SOURCE AND, PROVIDING FOR ENFORCEMENT, FEES AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans, and deprive people of peaceable enjoyment of their private property; and

WHEREAS, the City Commission finds that an amendment to the Sound Control ordinance will establish specific permissible noise limits in order to provide for the abatement, prevention and prohibition of excessive and unnecessary noise so as to protect health, safety and general welfare of residents of the City of Key West.

WHEREAS, amending Section 26-192 to the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

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

Section 1: That Article IV, Section 26-192 is hereby amended in the Code of Ordinances as follows*:

CHAPTER 26 - ENVIRONMENT

* * * * *

ARTICLE IV. - SOUND CONTROL

Sec. 26-192. - Unreasonably excessive noise prohibited.

(a) Prohibition of unreasonably excessive noise. It shall be unlawful for any person(s), to permit, cause, allow, amplify, create, emit, or sustain unreasonably excessive noise on any property, including air space thereof, located in the City of Key West. Unreasonably excessive noise shall be that noise which exceeds the noise limitations set forth in subsection (b).

(b) Noise limitations. (1) Within a core commercial district as defined in this article, ~~the maximum dBA and dBC sound levels permitted on any property located therein~~

~~shall be as follows:~~

~~The average measurement taken between ten (10) and twenty (20) seconds shall be no greater than the maximum levels set out below. The measurement shall be taken from the sound source property line, or individual lease boundary in the case of property which has been subdivided by the execution of individual leases, of the noise generating property at a location that is closest to the complainant's property line:~~

~~a. Eighty-five (85) dBA or ninety-four (94) dBC means unreasonably excessive noise that is an uninvited or disruptive level of noise that is unreasonably loud or that is raucous and jarring, due to volume, character, or duration, and that causes an actual interference with a person's ability to enjoy peacefully his residence or place of business between the hours of 11:00 a.m. _____ a.m. and 2:59 a.m. _____ a.m.~~

~~b. Seventy-five (75) dBA or eighty-four (84) dBC between the hours of 3:00 a.m. and 10:59 a.m.~~

(2) In any residential or commercial district as defined in this article, a decibel meter shall be used for a complaint of unreasonable noise made at or within 100 feet of the property line of the sound source. The decibel

reading shall be made at the location of the complaint. The investigating officer shall issue a citation for unreasonably excessive noise, unless in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.

(3) A complaint of disturbing noise may be made when the location of the complaint is beyond 100 feet ~~of the property line~~ of a commercial district property sound source. Additionally, a complaint of disturbing noise may be made when the location of the complaint is a residential property and the location of the sound source is a residential property at any distance from each other. A decibel meter measurement is not required to determine disturbing noise. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property. The investigating officer may issue a warning if in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment in any six-month period.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language

is double underlined and ~~double struck through~~ at second reading.)

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 _____, 2024.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK