

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 100 OF THE CODE OF ORDINANCES ENTITLED "NOISE" TO CLARIFY DEFINITIONS; TO MAKE PROPERTY OWNERS RESPONSIBLE FOR VIOLATIONS; TO WAIVE THE REQUIREMENT FOR A WARNING PRIOR TO VIOLATION; TO ESTABLISH QUIET HOURS CITYWIDE IN RESIDENTIALLY ZONED AREAS; TO ESTABLISH A FINE STRUCTURE WITH ESCALATING FEES; AND TO CLARIFY 100.04 SOUND LIMITATIONS FOR PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the popularity of vacation rentals has dramatically increased as various online listing services has made it easy to find and reserve units in many popular destinations such as Hollywood; and

WHEREAS, vacation rentals can provide additional income for property owners and lodging options for visitors; and

WHEREAS, when located in established single family neighborhoods, the transient rental of properties can create negative impacts due to excessive noise, parking and traffic problems, excessive use and impact on public services, and greater occupancy; and

WHEREAS, over the last few months, staff from the City Manager's Office, City Attorney's Office, Police Department, and Public Works met to review existing noise regulations; and

WHEREAS, the following changes are proposed to better preserve the tranquility of single family residential neighborhoods citywide.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That Chapter 100 of the Code of Ordinances entitled "Noise" is hereby amended as follows:

(Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions).

CHAPTER 100: NOISE

§ 100.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMPLIFIED SOUND. Sound augmented by any electronic means which increases the sound level or volume.

BUSINESS ESTABLISHMENT. Any commercial establishment, including but not limited to any establishment required to obtain an entertainment permit and/or license, food and/or beverage license, service of alcoholic beverages in conjunction with amplified sound permit or license and/or an extended hours license.

COMPLAINT. A specific request for investigation of a suspected violation of this chapter. The complaint may include but is not limited to the following:

- (1) The name, address and telephone number of the complainant.
- (2) The approximate date and time when the violation occurred.
- (3) A brief statement outlining the nature of the violation.
- (4) Any indication whether the complainant requested the violator(s) to desist.
- (5) If known, the name, address and location where the violation is occurring or has occurred.

COMPLAINANT. Any owner, lessee, manager or person with a legal interest in a receiving property who reports being disturbed by sound heard inside of a residence or place of business upon the receiving property and not originating therefrom.

ENFORCEMENT OFFICER. Any Code Enforcement Officer or law enforcement officer.

PERSON. Any individual, corporation, partnership, association or other legal entity or any agent or employee thereof.

PLAINLY AUDIBLE. Able to be clearly heard by a person of normal sensibilities using only unaided auditory senses. *PLAINLY AUDIBLE* shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music, the detection of a rhythmic base reverberating type sound, beat or cadence shall be deemed *PLAINLY AUDIBLE*.

PROPERTY LINE. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned or possessed by a person from that owned or possessed by another person, but not including intra-building real property divisions.

RECEIVING PROPERTY. Any residence or place of business ~~into~~ on which uninvited noise ~~sound, not originating therefrom,~~ is plainly audible ~~traveling~~.

RESIDENCE. Any occupied room or rooms connected together containing sleeping facilities, including but not limited to single and multiple family homes, townhomes, apartments, condominium units, hotel and motel rooms.

SOUND SOURCE. The place from which sound emanates, including without limitation, a speaker, loud speaker, or other sound producing instrument or person.

UNREASONABLY LOUD. Uninvited noise shall be deemed *UNREASONABLY LOUD* if it is plainly audible inside of a receiving property with doors and windows closed, across a property line, and ~~causes actual interference~~ interferes with a person's peaceful enjoyment of a residence or the peace and tranquility of the surrounding neighborhood.

UNINVITED NOISE. Noise not originating on the receiving property.

§ 100.02 UNREASONABLY LOUD NOISE PROHIBITED.

- A. An owner of real property shall be responsible for any violation of this section, whether or not he/she is the source of the violation.
- B. It shall be unlawful for any person or business to cause or permit to originate from the real property he/she or it controls, any sound which crosses a property line at a volume which is unreasonably loud. Any property owner and/or property representative, as defined in Chapter 119, may be cited for any violation of this section.
- C. Given the nature of noise violations, including the harmful and detrimental effects of such violations on neighboring properties, the City waives the requirement that a warning notice be provided prior to issuance of a violation, and any law enforcement or code officer who believes that a violation of this chapter is or has occurred may forego providing a written warning and issue a Notice to Appear or a Notice of Violation.

§ 100.03 ~~RESPONSIBILITY FOR COMPLIANCE.~~ ESTABLISHMENT OF QUIET HOURS.

For purposes of 100.02 through 100.04.

- ~~A. Any person(s) owning or having responsibility for management of a business premise, however temporarily, any performer or disc jockey producing sound upon any business premises, any person playing music, any person having control of volume knobs or levels, and the business as named on the occupational license,~~

~~shall be responsible for compliance and shall be responsible for any violations of this chapter.~~

It shall be unlawful for any person or business to cause or permit any plainly audible noise to cross the property line between 11:00 p.m. and 6:00 a.m. in areas zoned Residential as defined by ZLDR Section 4.1, Section 4.2, Section 4.6, except DH-2 and ND-2, Section 4.19 and single and multiple family residential buildings within Planned Development (PD) and Planned United Development (PUD) District. PD and PUD containing residential development. Any property owner and/or property representative, as defined in Chapter 119, may be cited for any violation of this section.

§ 100.04 ADDITIONAL SOUND LIMITATION FOR PUBLIC PROPERTY.

No person shall on any public street or sidewalk, park, beach or other public property, or in any motor vehicle located on any public street or property, use, operate or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other audio device which produces or reproduces amplified sound, at a level which is unreasonably loud interferes with a person's peaceful enjoyment or the peace and tranquility of the surrounding area at a distance more than 30 feet from the sound source.

* * *

§ 100.08 ENFORCEMENT.

- ~~(A) An Enforcement Officer shall investigate complaints regarding violations of this chapter. If compliance is not accomplished, and violation(s) of this chapter are subsequently witnessed by an Enforcement Officer, violation(s) may be enforced as provided by law.~~
- ~~(B) The Notice of Violation may include the date and time of the violation, the nature of the violation, the name of the violator(s) notice informing the violator(s) that violation(s) may result in the imposition of liens, City Commission denial of any applicable extended hours license pursuant to § 113.26, City of Hollywood Code of Ordinances and/or injunctive proceedings as provided by law and that repeat violation(s) may result in the imposition of larger fines.~~

§ 100.08 ~~§ 100.09~~ ENFORCEMENT AND PENALTIES.

- (A) Anyone person found to have violated in violation any provision of this chapter may be subject to the penalties specified in the Hollywood City Municipal Code.
- (B) The first violation of this chapter may be subject to a fine of \$100; a second violation occurring within six months may be subject to a fine of \$500, and a third

and any subsequent violations within a six month period may be subject to a fine of \$1,000.00 per occurrence.

- (C) As an alternative or additional means of enforcement, in order to maintain the peace and domestic tranquility of the surrounding neighborhood, the City may deny any applicable extended hours license pursuant to § 113.26, City of Hollywood Code of Ordinances, or seek injunctive relief as set forth by law in cases of recurring violations of this chapter. A violation shall be considered “recurring” when a person or entity has received three notices of violation within any 60 day period.

Section 2: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 100 OF THE CODE OF ORDINANCES ENTITLED "NOISE" TO CLARIFY DEFINITIONS; TO MAKE PROPERTY OWNERS RESPONSIBLE FOR VIOLATIONS; TO WAIVE THE REQUIREMENT FOR A WARNING PRIOR TO VIOLATION; TO ESTABLISH QUIET HOURS CITYWIDE IN RESIDENTIALLY ZONED AREAS; TO ESTABLISH A FINE STRUCTURE WITH ESCALATING FEES; AND TO CLARIFY 100.04 SOUND LIMITATIONS FOR PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Advertised _____, 2018.

PASSED on first reading this _____ day of _____, 2018.

PASSED AND ADOPTED on second reading this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance of
the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY