



Legislation Text

File #: PO-2021-04, **Version:** 2

An Ordinance Of The City Of Hollywood, Florida Amending Chapter 100 Of The Code Of Ordinances; Creating An Additional Method Of Measuring Noise Volume And Enforcing Noise Violations With The Use Of A Sound Level Meter.

Quality of Life & Strong Neighborhoods

Staff Recommends: The Approval of the Attached Ordinance.

Explanation:

First Reading:

First reading to amend the City's Noise Ordinance was approved by a vote of 4-3 on March 17, 2021. The Commission's approval included two changes both of which have been incorporated into the Ordinance. The changes include lowering the decibel level:

1. In Residential areas during quiet hours to 55 decibels; and
2. In Non-Residential areas to 80 decibels between 7 a.m. to 10 p.m.

As proposed by staff, Section 100.08, requiring a noise level detection device in establishments playing amplified music, will be effective June 1, 2021 and the remainder of the Ordinance shall be in full force and effect May 1, 2021. The delayed effective date(s) allows for an educational period of the public.

The City's current ordinance regulating noise is not based on a concise method of measurement, instead it generally regulates it based on audible levels. Specifically, it states, "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.". To properly enforce this a complainant is required to sign an affidavit attesting to the complaint of loud noise. Historically the majority of complainants refuse, due to fear of retaliation or having to appear at future legal proceedings relating to the violation.

After hearing community concerns regarding noise levels negatively impacting the quality of life and recognizing the challenges associated with enforcing "plainly audible noise", the City Commission requested staff evaluate the current regulations and determine if there is a better, clearer way to enforce noise regulations.

City and CRA staff and local businesses in the Downtown held a meeting, where the consensus was to explore the use of decibel readers at certain commercial, or nonresidential,

establishments. Due to the nature of different communities within the City it is important to have different maximum decibel levels in residential and nonresidential areas. Proposed is:

Nonresidential areas:

- 7:00 a.m. to 10:00 p.m. sound level shall not exceed 80 dBA or 80 dBC.
- 10:00 p.m. to 7:00 a.m. sound level shall not exceed 75 dBA or 75 dBC.
- Any commercial property from which amplified musical entertainment, whether live or recorded, emanates shall be equipped with a noise level detection device alerting the occupants of the property to the noise.
- The Music District no longer is exempt, as all nonresidential properties are proposed to have the same maximum levels Citywide.
- Special Events are proposed to have greater flexibility.

Residential areas:

- 7:00 a.m. to 10:00 p.m. sound level shall not exceed 65 dBA or 65 dBC.
- 10:00 p.m. to 7:00 a.m. sound level shall not exceed 55 dBA or 55 dBC.
- Added language to specify “quiet hours” (10:00 p.m. to 7:00 a.m.) in residential areas.

Enforcement and Penalties:

- Any additional violations will be cited and set for a special magistrate hearing.
- Each calendar day on which a violation exists shall constitute a separate violation for the purpose of determining the fine.
- Any nonresidential property that is adjudicated for violating the provisions of Section 100.03 regarding “quiet hours” two or more times within a 30-day period shall be required to change its closing hours to 10:00 p.m. for a period of 30 days.
- Violations of this chapter may be enforced by arrest.
- Vacation Rentals will be required to meet the maximum noise levels for residential, as outlined above. However, Chapter 100 of the City’s Code of Ordinances, modified in January 2021, has stricter penalties for these should they violate noise levels or any City Ordinance.

Decibel reader technology has become a reliable, efficient and effective way to measure noise calibrations. Similar to using a radar gun to determine one’s vehicle speed, a decibel reader measures the level of sound in decibels. The implementation of decibel readers with a maximum specifically measurable noise allowance measured at the property line during certain hours, as referenced in the proposed ordinance amendment, will greatly assist with regulation and compliance, while providing residents and business owners with factual readings without bias or subjectivity. Police and Code can work together to more easily enforce the proposed regulation.

Attached is a study completed by Patrick K. Dooley of the Jacksonville Beach Police Department, outlining the challenges many municipalities face with enforcing noise ordinances, results from a noise study by Yale University and statistics from neighboring Cities.

Fiscal Impact:

The cost of procurement for each of the decibel readers needed to enforce this ordinance is \$600 each. It is estimated 10 decibel readers will be needed costing approximately \$6,000. Funding is currently being identified with Treasury and Budget.

Recommended for inclusion on the agenda by:

John Chidsey, Code Manager, Division of Code Compliance

Andria Wingett, Assistant Director, Department of Development Services

Shiv Newaldass, Director, Department of Development Services

Gus Zambrano, Assistant City Manager for Sustainable Development

Adam Reichbach, Assistant City Manager for Finance and Administration