

Regular Workshop – June 15, 2015
Agenda Item 8

Agenda Item: Discussion Regarding Town Code Chapter 130.02, Sound Regulations

Presenter: Town Manager and Police Chief

Summary: At the March 23, 2015 Regular Workshop Meeting the Town Commission directed staff to prepare a report regarding Town Code Chapter 130.02, Sound Regulation.

The Police Chief and Deputy Chief prepared a PowerPoint presentation for the June 15, 2015 Regular Workshop Meeting providing an overview of the Town Code provisions regulating sound, responses to complaints, and options to modify the current Town Code.

Attachments: PowerPoint Presentation.

Recommended

Action: Pending discussion, provide direction to Manager.



SOUND REGULATIONS 130.02

June 15, 2015

Regular Workshop Meeting



SOUND REGULATIONS 130-02

The Town of Longboat Key is authorized to regulate
sound per Town Code 130.02.



130.02 (A) POLICY

● **Policy.** It is hereby declared to be the public policy of the town to reduce the ambient sound level in the town, as so to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the town, prevent injury to human, plant and animal life and property, foster the convenience and comfort of town inhabitants, and facilitate the enjoyment of the natural attractions of the town. It is the public policy of the town that every person is entitled to ambient sound levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable sound within the town affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the town. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.



SUGGESTED CRITERIA FOR A SOLID SOUND ORDINANCE

- POLICY ✓
- DEFINITIONS ✓
- STANDARDS CONSIDERED FOR DETERMINING SOUND VIOLATIONS ✓
- PENALTY ✓

130.02 meets the criteria



OFFICERS' TYPICAL RESPONSE TO A NOISE COMPLAINT

1. Officer receives noise/sound complaint
2. Officer responds to complaint or area of complaint if anonymous
3. Officer witnesses loud noise and determines if it falls within Longboat Key ordinance violation
4. If officer locates the origin of the noise and finds probable cause that the violation meets 130.02, a warning shall be issued (attachment 1) to the person or persons responsible for the violation. The warning shall advise the person or persons of the violation of this chapter and specify a reasonable time to comply. Absent special circumstances, "reasonable time" shall mean 15 minutes.



OFFICERS' TYPICAL RESPONSE TO A NOISE COMPLAINT (cont'd)

5. If the violation is not eliminated within a reasonable time after the warning or the violation recurs within one year of the issuance of the warning; the person or persons so warned and not complying shall be issued a Notice to Appear (NTA) (attachment 2)

6. If a NTA is issued, the defendant is technically arrested and released upon signing an affidavit promising to appear at the given court date. If they fail to appear they may be held in contempt of court and a warrant issued for their arrest.

•NOTE: This ordinance is a second degree misdemeanor punishable by a fine up to \$500.00 and a jail term of up to 60 days.



ATTACHMENT 1

WARNING	Longboat Key Police Dept. 5460 Gulf of Mexico Dr. Longboat Key, FL 34228	 A.M. P.M.		
			Date.....20..... Officer.....		
Driver License No.	State	Make of Vehicle	Year	Tag No.	State
Name.....			DOB.....	Race.....	Sex.....
Address.....			Did violate a		
City.....			<input type="checkbox"/> Longboat Key Town Ordinance		
			<input type="checkbox"/> Florida State Statute		
			Case #	<input type="text"/>	
ATTACHMENT "1"					



ATTACHMENT 2

In The County Court, in and for _____ County, Fla.

NOTICE TO APPEAR

Agency Case # _____

STATE OF FLORIDA, COUNTY OF _____

In the name of _____ County, Florida: The undersigned certifies that he has just and reasonable grounds to believe, and does believe that:

On the _____ day of _____, 20____, at _____ [] A.M. [] P.M.

Last Name _____ First _____ M.I. _____ Alias _____

Street - City and State _____ Date and Place of Birth _____

Phone _____ Race/Sex _____ Height _____ Weight _____ Hair _____ Eyes _____ Scars/Marks _____

Occupation _____ Place of Employment _____ Employment Phone _____

Complexion _____ Driver's license # Yr/St. _____ Social Security # _____

at (location) _____ in _____ County, Florida, committed the following offense(s):

[1] _____ [2] _____

in violation of section(s): _____ : _____ [] State Statute [] Municipal Ord.

DID (Narrative): _____

ATTACHMENT "2"

Name of Officer _____ Of _____ Agency _____

[] Mandatory appearance in court, _____ location _____
20____, at _____ [] A.M. [] P.M.
[] You need not appear in court.

CO-DEFENDANTS:

1. _____ [] Cited [] Jailed
Name DOB Address

2. _____ [] Cited [] Jailed
Name DOB Address

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER THE OFFENSE CHARGES OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLINGLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Sworn to and subscribed before me

this _____ day of _____, 20____

Signature of Defendant: _____
I swear the above and attached statements are true and correct to the best of my knowledge and belief.

Notary Public, State of Florida _____ Office
LONGBOAT KEY POLICE DEPARTMENT



RESEARCH

SURROUNDING and SIMILAR AGENCIES THAT USE A SOUND / DECIBEL METER

- Sarasota County
- Manatee County
- Marco Island
- Sanibel
- Jacksonville Beach
- Venice
- City of Sarasota



RESEARCH

SURROUNDING and SIMILAR AGENCIES THAT DO
NOT USE A SOUND / DECIBEL METER

- Town of Longboat Key
- City of Bradenton



RESEARCH

Noise regulations are subject to the First Amendment.

The code violation must be issued based on the level of sound not the content.

The Town of Longboat Key currently uses subjective criteria of measuring sound which has been upheld in court. An alternative objective method is the use of a sound measuring device.



PROS AND CONS TO KEEP CURRENT ORDINANCE

PRO

- Current Ordinance is enforceable at no additional cost to Town.
- The ordinance is defensible in court.

CON

- Subjective



PROS AND CONS TO CHANGE CURRENT ORDINANCE

PRO

- Objective

CON

- Cost per decibel meter is between \$1,200 - \$2,200 each
- Need minimum of 2 (water and land)
- Officers must be trained before use
- Device must be sent out for calibration annually
- Must go to complainants location to measure sound



SUMMARY

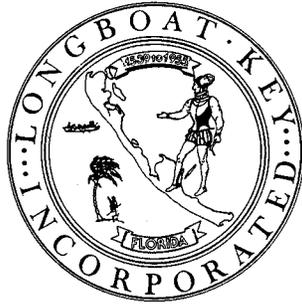
The Police Department and Town Manager recommend keeping the current Town Code language as is, unless it is determined to be unenforceable by a court.



DISCUSSION

&

QUESTIONS



End of Agenda Item