LEGISLATIVE

110672B

1   **ORDINANCE NO. <u>110672</u>**

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3   **An ordinance of the City of Gainesville, Florida, amending**
4   **Chapter 15 of the Code of Ordinances of the City of**
5   **Gainesville relating to the regulation of noise; amending Sec.**
6   **15-3, Prohibited acts, to provide identical noise restrictions for**
7   **commercial and noncommercial amplified sounds; providing**
8   **directions to the codifier; providing a severability clause;**
9   **providing a repealing clause; and providing an immediate**
10   **effective date.**

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13   **WHEREAS**, at least 10 days notice has been given of the public hearing once by

14   publication in a newspaper of general circulation notifying the public of this proposed ordinance

15   and of a public hearing in the City Commission meeting room, first floor, City Hall in the City of

16   Gainesville; and

17   **WHEREAS**, the public hearings were held pursuant to the published notice described at

18   which hearings the parties in interest and all others had an opportunity to be and were, in fact,

19   heard.

20   **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**

21   **CITY OF GAINESVILLE, FLORIDA:**

22   **Section 1.** Section 15-3(d)(3), Prohibited acts, Code of Ordinances of the City of

23   Gainesville, is amended to read as follows:

24   **Sec. 15-3. – Prohibited acts.**

25   (d)   *Specific prohibitions.* In addition to the general prohibitions set out in subsection (a), and

26   unless otherwise exempted by this chapter, the following specific acts, or the causing or

27   permitting thereof, are hereby regulated as follows:

28   (3)   *Loudspeakers and public address systems.*

CODE: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1   a.   No person shall operate, or permit the operation of, any loudspeaker, public

2   address system or similar device, for any commercial purpose:

3   1.   Which produces, reproduces or amplifies sound in such a manner as to

4   create a noise disturbance; or

5   2.   During nighttime hours on a public right-of-way or public space.

6   b.   No person shall operate, or permit the operation of, any loudspeaker, public

7   address system or similar device, for any noncommercial purpose, during

8   nighttime hours in such a manner as to create a noise disturbance.

9   **Section 2.** Section 15-3(e)(7), Exemptions, Code of Ordinances of the City of

10   Gainesville, is amended to read as follows:

11   (e)   *Exemptions.* The following uses and activities shall be exempt from the sound level

12   regulations except the levels provided in Table I and Table I-A:

13   (7)   Any nonamplified noise generated by noncommercial public speaking activities

14   conducted on any public property or public right-of-way pursuant to legal authority.

15   **Section 3.** It is the intention of the City Commission that the provisions of Sections 1

16   and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of

17   Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered

18   or relettered in order to accomplish such intentions.

19   **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance

20   or the application hereof to any person or circumstance is held invalid or unconstitutional, such

21   finding shall not affect the other provisions or applications of the ordinance which can be given

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1   effect without the invalid or unconstitutional provisions or application, and to this end the

2   provisions of this ordinance are declared severable.

3   **Section 5**. All ordinances or parts of ordinances, in conflict herewith are to the extent of

4   such conflict hereby repealed.

5   **Section 6**. This ordinance shall become effective immediately upon final adoption.

6   **PASSED AND ADOPTED** this ____ day of June, 2012.

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10   CRAIG LOWE
11   MAYOR

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13   ATTEST: Approved as to form and legality

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17   KURT M. LANNON   MARION J. RADSON
18   CLERK OF THE COMMISSION   CITY ATTORNEY

19   This Ordinance passed on first reading this _____ day of June, 2012.

20   This Ordinance passed on second reading this _____ day of June, 2012.

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