



# MEMORANDUM

Office of the City Attorney

Leg # 030056

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and Commissioners  
**FROM:** Marion J. Radson, City Attorney  
**SUBJECT:** **RESOLUTION**

**DATE:** February 23, 2004  
**RESOLUTION**

A resolution of the City Commission of the City of Gainesville, Florida, supporting an amendment to section 316.008 F. S. to permit local governments to enhance the penalty for the second and subsequent violations of section 316.3045 F. S. related to soundmaking devices in motor vehicles; and providing an immediate effective date.

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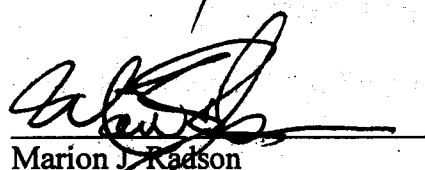
**RECOMMENDATION:** The City Commission adopt the proposed Resolution.

The City Commission at its meeting on February 9, 2004 authorized the City Attorney to draft this resolution.

Prepared by:

  
Ronald D. Combs  
Sr. Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson  
City Attorney

RDC/bs

1 RESOLUTION NO. \_\_\_\_\_

2  
3 PASSED \_\_\_\_\_

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5 A resolution of the City Commission of the City of Gainesville,  
6 Florida, supporting an amendment to section 316.008 F. S. to  
7 permit local governments to enhance the penalty for the second  
8 and subsequent violations of section 316.3045 F. S. related to  
9 soundmaking devices in motor vehicles; and providing an  
10 immediate effective date.

11  
12 **WHEREAS**, §316.3045 of Chapter 316 of the Florida Statutes entitled "State Uniform  
13 Traffic Control" regulates the "operation of radios or other mechanical soundmaking devices or  
14 instruments in motor vehicles" and provides that a violation of this section is a non-criminal  
15 traffic infraction punishable as provided in Chapter 318 of the Florida Statutes; and

16  
17 **WHEREAS**, the City Commission of the City of Gainesville finds that the penalty as  
18 provided in Chapter 318 does not operate as an adequate deterrent to the noise pollution created  
19 by soundmaking devices in motor vehicles in the City of Gainesville; and

20  
21 **WHEREAS**, section 316.008, F.S. specified the powers of local authorities to adopt  
22 ordinances which vary provisions of the State Uniform Traffic Control provision and such  
23 section does not include the authority to vary penalties for violations of §316.3045.

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25 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**  
26 **CITY OF GAINESVILLE, FLORIDA:**

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28 **Section 1.** The City Commission supports the amendment of §316.008, "Powers of local  
29 authorities" to include the authority for local governments to enhance the penalties for the second  
30 and subsequent violations of §316.3045, F.S. related to the "Operation of radios or other  
31 mechanical soundmaking devices or instruments in motor vehicles."

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33 **Section 2.** This resolution shall become effective immediately upon adoption.

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36 **PASSED AND ADOPTED** this \_\_\_\_\_ of February, 2004.

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41 \_\_\_\_\_  
42 THOMAS D. BUSSING  
43 MAYOR

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45 **ATTEST:**

Approved as to form and legality

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48 \_\_\_\_\_  
49 KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_

MARION J. RADSON  
CITY ATTORNEY