

D R A F T

09/26/06

ORDINANCE NO. _____
0-06-75

An ordinance of the City of Gainesville, Florida, relating to noise; amending section 15-6 of the Code or Ordinances increasing the duration of warnings for all prohibited sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date of November 1, 2006.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;

Section 1. Section 15-6(a)(1)c of the Code of Ordinances of the City of Gainesville is amended to read as follows:

Sec. 15-6. Violation procedures.

(a) *Violation of sound level limits; violation of plainly audible standard on other than posted property.*

(1) *Warnings:*

c. For the purposes of this section, it is sufficient warning for all prohibited sounds if the person or persons responsible for any succeeding sounds are warned of, or cited for, one or more offending sounds of the same type within

1 the previous year (365 days) ~~90 days~~, or in the case of a business, in the time
2 period since ownership of the business changed, whichever is less.

3 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
4 this ordinance shall become and be made a part of the Gainesville Code of Ordinance, of the
5 City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be
6 renumbered or relettered in order to accomplish such intentions.

7 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be
8 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
9 way affect the validity of the remaining portions of this ordinance.

10 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent
11 of such conflict hereby repealed.

12 **Section 5.** This ordinance shall become effective on November 1, 2006.

13 **PASSED AND ADOPTED** this _____ day of _____, 2006.

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PEGEEN HANRAHAN
MAYOR

19 ATTEST

APPROVED AS TO FORM AND LEGALITY

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

25 This Ordinance passed on first reading this _____ day of _____, 2006.

26 This Ordinance passed on second reading this _____ day of _____, 2006.