



MEMORANDUM

Office of the City Attorney

LEGISTAR # 990229

Phone: 334-5011/Fax 334-2229
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TO: Mayor and City Commissioners

DATE: August 23, 1999

FROM: City Attorney

FIRST READING

SUBJECT: Ordinance No. 0-99-70

An ordinance of the City of Gainesville, Florida, amending subsection 15-4(2)d. of the Code of Ordinances relating to hours for special noise permits, extending the hours for noise permits for a Friday or Saturday Halloween party in years when Halloween is not on a Friday or Saturday; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

Chapter 15 of the Code of Ordinances contains the City's noise regulations, including restrictions on sound level (dB) and on amplified sound that is "plainly audible" 200 feet from the property line of the source of the sound.

Section 15-4 provides the circumstances when a noise permit may be issued, allowing the permit holder to exceed the normal sound level limits and the "plainly audible" standard. A special noise permit is currently available for Halloween events on October 31 only when October 31 is a Friday or Saturday. The permit extends until 2:00 a.m. November 1.

The proposed change would allow a Halloween event to go to 2:00 a.m. when Halloween is not on Friday or Saturday. The event would be held on the Saturday before Halloween or the Friday after Halloween, according to what day of the week Halloween falls.

Prepared by:

Patricia M. Carter
Sr. Asst. City Attorney

Approved and
Submitted by:

Marion J. Radson
City Attorney

1 1. A function may be held between the hours of 9:00 a.m. on
2 New Year's Eve and 1:00 a.m. the following day (New Year's Day).

3 2. A function may be held between the hours of 9:00 a.m. and
4 2:00 a.m. the following day if there are no private residences,
5 hospitals or nursing homes within a 0.5-mile radius of the property
6 where the function is taking place.

7 3. A function may be held between the hours of 9:00 a.m. on
8 October 31 (Halloween) and 1:00 a.m. the following day, only if
9 October 31 is on a Friday or Saturday. If October 31 is not on a
10 Friday or Saturday, a function may be held between the hours of
11 9:00 a.m. and 2:00 a.m. the following day, as follows:

12 October 31:.....Day of event:

13 Sunday - Tuesdaypreceding Saturday

14 Wednesday - Thursday.....following Friday

15 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
16 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
18 renumbered or relettered in order to accomplish such intentions.

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

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

1 **Section 5.** This ordinance shall be effective immediately upon final adoption.

2
3 **PASSED AND ADOPTED** this _____ day of _____, 1999.

4
5
6 _____
7 PAULA M. DeLANEY, MAYOR

8 ATTEST: _____ Approved as to form and legality

9
10 _____
11 KURT M. LANNON MARION J. RADSON
12 CLERK OF THE COMMISSION CITY ATTORNEY

13 This Ordinance passed on first reading this _____ day of _____, 1999.

14 This Ordinance passed on second reading this _____ day of _____,
15 1999.