

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

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	Ordinance No				
2	0-99-70				
3					
4	An ordinance of the City of Gainesville, Florida, amending				
5	subsection 15-4(2)d. of the Code of Ordinances relating to				
6	hours for special noise permits, extending the hours for				
7	noise permits for a Friday or Saturday Halloween party in				
8	years when Halloween is not on a Friday or Saturday;				
9	providing directions to the codifier; providing a				
10	severability clause; providing a repealing clause; and				
11 12	providing an immediate effective date.				
13	WHEREAS, at least 10 days notice has been given once by publication in a				
14	newspaper of general circulation notifying the public of this proposed ordinance and of a				
15	Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and				
16	WHEREAS, a Public Hearing was held pursuant to the published notice described				
17	at which hearing the parties in interest and all others had an opportunity to be and were, in				
18	fact, heard;				
19	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF				
20	THE CITY OF GAINESVILLE, FLORIDA:				
21	Section 1. Subsection 15-4(2)d. of the Code of Ordinances is amended to read as follows:				
22	Sec. 15-4. Special permits.				
23	(2) Permits for entertainment. Permits may be granted for the purpose of				
24	entertainment under the following conditions:				
25	d. The function must be held between the hours of 9:00 a.m. and				
26	10:00 p.m. the same day on all days other than Friday and Saturday; and, on				
27	Friday and Saturday, between the hours of 9:00 a.m. and 11:00 p.m. of the				
28	same day, except in the following circumstances:				

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. <u>If October 31 is not on a</u>			
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 - Thursdayfollowing 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	e immediately upon final adoption.	
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3	PASSED AND ADOPTED this	day of	. 1999.
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5			
6		PAULA M. DeLANEY, MAYOR	 {
7		,	
8	ATTEST:	Approved as to form and I	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 15	This Ordinance passed on second reading t 1999.	his day of	,