LEGISLATIVE # 170970A

1	ORDINANCE NO. 170970		
2 3 4 5 6 7	An ordinance of the City of Gainesville, Florida, amending Chapter 15 – <i>Noise</i> in the City of Gainesville Code of Ordinances to eliminate the regulation that only six entertainment permits may be issued per property per calendar year; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.		
8	WHEREAS, at least ten days' notice has been given once by publication in a newspaper of		
9	general circulation notifying the public of this proposed ordinance and of public hearings in the		
10	City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and		
11	WHEREAS, public hearings were held pursuant to the notice described above at which hearings		
12	the parties in interest and all others had an opportunity to be and were, in fact, heard.		
13	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,		
14	FLORIDA:		
15	SECTION 1. Chapter 15 – NOISE, Section 15-4 – <i>Special Permits</i> of the City of Gainesville Code		
16	of Ordinances is amended as follows. Except as amended herein, the remainder of Section 15-4		
17	- Special Permits remains in full force and effect.		
18 19	(b) <i>Permits for entertainment</i> . Permits may be granted for the purpose of entertainment under the following conditions:		
20	(1) The function must be open to the general public (admission may be charged).		
21 22 23	(2) The function must take place on public property, or public space, provided only six functions requiring a special permit may be held on any particular public space per calendar year.		
24 25	(3) The permit will be granted for only four hours in one 24-hour day or any reasonable extension thereof as authorized by the city manager or designee.		
26 27 28	(4) The permit will only be granted for hours between 9:00 a.m. and. 12:00 midnight on all days other than Friday and Saturday; and, on Friday and Saturday, between the hours of 9:00 a.m. and 1:00 a.m. of the following day, except in the following circumstances:		

29 30	a. A permit will be granted for hours between 9:00 a.m. on New Year's Eve and 1:00a.m. the following day (New Year's Day).			
31 32 33	b. A permit will be granted for hours between 9:00 a.m. and 2:00 a.m. the following day if there are no private residences, hospitals or nursing homes within a 0.5 mile radius of the property where the function is taking place.			
34 35 36 37 38 39	(5) Functions for which the permits are issued shall be limited to a continuous airborne sound level not to exceed 70 dB(A), as measured 200 feet from the real property boundary of the source property. When one or more streets are closed adjacent to the source of the sound, the measurement shall be taken 200 feet from the boundary of the closed area.			
40	SECTION 2. It is the intent of the City Commission that the provisions of Section 1 of this			
41	ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,			
42	Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or			
43	relettered in order to accomplish such intent.			
44	SECTION 3. If any word, phrase, clause, paragraph, section, or provision of this ordinance or			
45	the application hereof to any person or circumstance is held invalid or unconstitutional, such			
46	finding will not affect the other provisions or applications of this ordinance that can be given			
47	effect without the invalid or unconstitutional provision or application, and to this end the			
48	provisions of this ordinance are declared severable.			
49	SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such			
50	conflict hereby repealed.			
51	SECTION 5. This ordinance will become effective immediately upon adoption.			
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53	PASSED AND ADOPTED this day of, 2019.			
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57		LAUREN POE	
58		MAYOR	
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61	Attest:	Approved as to form and legality:	
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64			
65	OMICHELE D. GAINEY	NICOLLE M. SHALLEY	
66	CLERK OF THE COMMISSION	CITY ATTORNEY	
67			
68	This ordinance passed on first reading this _	day of	, 2019.
69	This ordinance passed on second reading th	nis day of	, 2019