

MEMORANDUM

TO: Finance, License and Regulation Committee, Mayor, City Administrator,
and Deputy Clerk

FROM: City Attorney, Daniel S. Draper

DATE: September 12, 2024

RE: Revised Loud and Unnecessary Noise Ordinance

Included in the packet for the September 17, 2024 meeting is a revised ordinance regarding violations for loud and unnecessary noise.

As I explained at the previous meeting, the revisions to Sec. 46-(4)(b) are necessary to make the ordinance enforceable at times other than between the hours of 9:00 PM and 7:00 AM on weekdays and 9:00 PM and 8:00 AM on weekends.

The original intent of the provisions under 46-4(3)(c) were to eliminate construction noise during certain hours. The revised definition of what is “loud and unnecessary noise” under this subsection was expanded to include maintenance activities which were not included in the original definition of construction activities.

The original provisions that allowed the Building and Zoning Department and Public Works Department to make exceptions under subsection 46-4(3)(c) were to account for emergency repairs at night. Examples of such emergencies would be a break in a utility line or a tree falling in the roadway. The language in the revised version better describes circumstances when exceptions may be granted. Trying to define specific circumstances would be difficult. However, limiting the circumstances when the exceptions may be granted to those circumstances that create a public detriment rather than an individual detriment, more accurately limits the circumstances when exceptions may be allowed.

If you have any further questions, please do not hesitate to contact me.