



MEMORANDUM TO VENICE CITY COUNCIL

THROUGH CHARTER OFFICER: Edward Lavalley, City Manager **E-SIGN:**
FROM: James R. Clinch, PE, Assistant City Manager
DEPARTMENT: City Manager

DATE: 05/30/2023

MEETING DATE: 06/13/2023

SUBJECT / TOPIC: Ordinance 2023-17; Noise Control

BACKGROUND INFORMATION:

In the Fall of 2022, city staff, including the City Attorney, Police Department and Assistant City Manager, worked to develop a comprehensive rewrite and update of the City of Venice Noise Control Ordinance. The existing noise ordinance was drafted and adopted in 1979 and the code language was very outdated. Additionally, the existing ordinance language has proven to be ineffective in several instances for proper application and enforcement.

The first draft of this Ordinance 2022-36 was presented and approved by City Council at the December 13, 2022 meeting, however several concerns were raised concerning the decibel levels as proposed and the method of measurement presented. In the interest of quality assurance and to prevent the creation of non-conformities for existing properties, City staff pulled the second reading of this ordinance to allow for additional staff investigation and field research into the appropriate decibel level limits.

Over the next two months, Venice Police Department (VPD) staff performed field decibel measurement readings at numerous locations throughout the city, on multiple dates, including residential, commercial, and industrial areas. The resulting data indicated that measuring the noise emanating from a generating property has the high potential to create significant non-conformities and violations for existing authorized land-uses. Additionally, VPD reviewed the incident report logs over the past year to catalogue the actual public noise complaints received and to determine how the noise ordinance language can best address these real public issues.

The attached Noise Control Ordinance 2023-17 has been updated to both incorporate the current Sarasota County language wherever possible, while still maintaining the existing City of Venice decibel limits for the receiving property. Keeping the decibel levels consistent with the existing city code, which has been in place for over forty years, will allow for consistency in application and enforcement while avoiding the creation of non-conformities for lawful existing land uses. Staff also worked to maintain any existing City of Venice specific provisions that were found to be beneficial and appropriate.

The proposed updated ordinance includes significant revisions, and the notable items are detailed further below:

- 1) **Standards for Receiving Property (Sec. 34-32):** The new ordinance provides decibel level limits for the receiving property which are identical to the existing City of Venice code levels. Field research indicated that modifying the decibel levels or the method of measurement has a high risk of creating code violations for authorized and lawful land-use activities.
- 2) **Clarified Prohibitions Section (Sec. 34-33):** Some of these specific items were moved into the Exemptions Sec. 34-34. Please note, all of the designated hours for certain activities to occur were carried over from the existing City code.
- 3) **Comprehensive Exemptions (Sec. 34-34):** Exemptions have been expanded to include both the items that were previously included in the code as well as other commonly occurring activities which are typically permitted in the City. Please note, all of the designated hours for certain activities to occur were carried over from the existing City code.
- 4) **Specific Method of Measurement Criteria (Sec. 34-35):** Including where and how to properly take the sound level measurements.
- 5) **Practical Enforcement Measures (Sec. 34-37):** Provides for issuance of a “warning” first, then provides for issuance of code citation by code or law enforcement officer, and finally includes criminal enforcement for extreme situations.

This proposed updated Noise Control Ordinance has been updated to be consistent with current industry standards and to create more consistency in application and enforcement. This updated code will improve the ability of staff to respond to and address the majority of noise violation complaints which are received from the public. This draft ordinance is presented for discussion and consideration by City Council.

SUPPORTS STRATEGIC PLAN: Goal Two: Provide Efficient, Responsive Government with High Quality Services

COUNCIL ACTION REQUESTED: Approve Ordinance 2023-17

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Yes N/A

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Document(s) Reviewed for ADA compliance <small>(required if for agenda posting)</small> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | City Attorney Reviewed/Approval |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Risk Management Review |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Finance Department Review/Approval |
| | | Funds Availability (account number): Click or tap here to enter text. |

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