

ORDINANCE NO. 2017-2115

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE AMENDMENT OF SECTION 14-23 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO MAXIMUM PERMISSABLE SOUND; PROHIBITING NOISE PLAINLY AUDIBLE FROM A DISTANCE OF 100 FEET EMANATING FROM PUBLIC PROPERTY AT ANY TIME; PROVIDING FOR THE AMENDMENT OF SUBSECTION (m) OF SECTION 14-24 OF THE CODE OF ORDINANCES; PERTAINING TO EXEMPTIONS FROM MAXIMUM PERMISSABLE SOUND RESTRICTIONS FOR PUBLIC EVENTS; PROVIDING FOR SPECIFIC SOURCES OF SUCH SOUND; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, excessive noise within the City limits of the City of New Port Richey, Florida is a recurring condition which has resulted in excessive noise complaints increasing in the City;

WHEREAS, excessive noise is a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, the New Port Richey Police Department conducted a sound study to collect data on noise levels at various locations throughout the City to assess the decibel level of sounds which were the subject of complaints;

WHEREAS, the City has compiled data from excessive noise complaints made to the New Port Richey Police Department;

WHEREAS, the City's current sound regulations do not address low frequency noises emanating from public property during daytime hours which cannot be detected by a decibel meter, but are a nuisance to surrounding properties and the public within the City; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. **Section 14-23 of the Code of Ordinances, pertaining to maximum permissible sound, is hereby amended by adding a new subsection (e) thereto, as follows** (strikeout text is deleted and underlined text is added):

(e) Plainly Audible Sound on Public Property.

No person shall permit, cause, allow, create, or sustain the operation of any source of sound from any public property owned or controlled by the City of New Port Richey or any other governmental entity, including without limitation streets, sidewalks, rights of way, easements or parks, in a manner as to create a sound level plainly audible at a distance of 100 feet from the source of said sound at any time, notwithstanding whether said sound exceeds the sound levels set forth in subsection (a) hereof. The exemptions provided by sections 14-24 (c) and (d) shall not apply to violations under this subsection (e).

Section 2. **Subsection (m) of Section 14-24 of the Code of Ordinances, pertaining to exemptions from the limitations on maximum permissible sound for public events, is hereby amended, as follows** (strikeout text is deleted and underlined text is added):

(m) Sounds authorized and emanating from activities specifically permitted as a part of permitted sporting events; permitted fireworks displays; permitted parades; permitted events on public property, including public rights of way; or other activities or events specifically permitted by the City of New Port Richey, however nothing contained herein shall be deemed to exempt sounds created or caused by members of the public or other invitees in attendance at any such events;

Section 3. **Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 4. **Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. **Effective Date.** This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2017, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2017.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND RELIANCE OF THE
CITY OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney