



## Legislation Text

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**File #:** 18-784, **Version:** 1

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**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** City Code Chapter 46 Article II Division 2 - Noise Regulations

### **Recommended Action**

Direct staff to bring an Ordinance Amending City Code Chapter 46 Article II Division 2 removing the exemption (a) from section 46-42(13)

### **Background Information**

On October 10, 2017 the City Commission approved Ordinance No. 2017-13 (attachment 1), as initiated and proposed by staff, which provided for an exemption to Chapter 46, Article II, Division 2 related to noise for pumps, air conditioning and air handling equipment in planned developments with certain side setbacks. Since the ordinance was adopted, additional information became available regarding the effects of the change in the code leaving people in planned developments without noise protection as is afforded to residents throughout the city. There was a consensus to continue at a Special Meeting in May to discuss changes, and for Staff to bring back: (1) ways to prevent noise, (2) examples of decibel readings, (3) other area ordinances for planned developments, (4) check the complaint for what happened and how it was measured, (5) bring back the original and amended ordinance to compare.

At the May 8, 2018 Commission meeting the item for discussion was presented regarding the noise ordinance along with the information requested by Commission. A motion was made to direct staff to bring back an ordinance removing section 46-42(13)(a) from the current language and adding language to address the requirement for use of muffling devices, if necessary, and/or adequate sound barriers, if necessary, to comply with the decibel limitations for air conditioning units, pool pumps, and other mechanical equipment, and also adding that they must be operating in accordance with the manufacturer specifications. The motion failed due to a tie vote 2-2 with only 4 members of the Commission present at that meeting.

It is well documented that continuous exposure to excessive noise has an effect on public health (example article attachment 2). Looking through previous Ordinances relating to noise and noise abatement, I noticed a Whereas clause (Ord 79-54) which I believe is on point with my reasoning for seeking Commission's agreement to ensure noise regulations are in place for All residential areas. The Whereas clause stated: "The City Commission of the City of North Port, Florida, finds and declares that excessive and unnecessary noise endangers the physical and emotional health and welfare of the people, interferes with legitimate business and recreational activity, increases construction costs, depresses property values, offends senses, creates public nuisances, and in other respects reduces quality of life". There have also been studies that address noise and its effects on children (see EPA informational flyer attachment 3).

This agenda item is for discussion of City Code Chapter 46 Article II Division 2-Noise

The suggested direction is for staff to bring an Ordinance Amending City Code Chapter 46 Article II Division 2

removing the exemption (a) from section 46-42(13).

**Strategic Plan**

**Financial Impact**

None

**Procurement**

N/A

**Attachments:**

1. Ordinance No. 2017-13
2. Environmental Health Perspectives Article - Noise Exposure and Public Health
3. EPA (USA) informational flyer - Noise and its effects on children
4. EPA (Australia) - Noise Guide for local government
5. Noise Information And Prevention
6. Ordinance Comparison
7. Noise Complaint 16-1707
8. Noise Complaint 17-00004492
9. Current City Code Chapter 46 Article II

**Prepared by:** Pete Lear for Vice Mayor Yates

**Department Director:** Pete Lear