

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 10 / 31 / 16

Date of meeting 11 / 16 / 16

(City Council meetings are held the 1st and 3rd Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:

Scot Campbell, City Attorney

Address: City Hall

Phone number and email address: 263-0534 scampbell@sandpointidaho.gov

Authorized by: Scot Campbell

name of City official



City official's signature

(Department Heads, City Council members, and the Mayor are City officials.)

Subject: Noise Ordinance

Summary of what is being requested: Amend Noise Ordinance to change quiet time from 7:00 am to 6:30 am and exempt the industrial zone from the Ordinance.

The following information **MUST** be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city? Yes No

If yes, in what way? _____

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted? **Yes or No**

3. Is there a need for a general public information or public involvement plan? **Yes or No**
If yes, please specify and suggest a method to accomplish the plan: Yes No

4. Is an enforcement plan needed? **Yes or No** Additional funds needed? **Yes or No**
 Yes No Yes No

5. Have all the affected departments been informed about this agenda item? **Yes or No**
 Yes No

This form must be submitted no later than 5 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

**CITY OF SANDPOINT
AGENDA REPORT**

DATE: 11/8/16

TO: MAYOR AND CITY COUNCIL

FROM: Scot R. Campbell 

SUBJECT: Noise Ordinance Amendments

DESCRIPTION/BACKGROUND:

Amend recent noise ordinance to make it clear that new noise ordinance does not regulate the industrial zone and to change the quiet times from 7:00 am back to the original 6:30 am as recommended by City Administration.

STAFF RECOMMENDATION:

Make the above changes to Sandpoint City Code §5-2-6 Noise

ACTION:

Adopt the ordinance amending Sandpoint City Cond §5-2-6-Noise

WILL THERE BE ANY FINANCIAL IMPACT? No HAS THIS ITEM BEEN BUDGETED?

ATTACHMENTS:

Ordinance indicating the proposed changes to Sandpoint City Code §5-2-6 Noise

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 5 CHAPTER 2, SECTION 6, NOISE, TO REFLECT THAT QUIET HOURS ARE FROM 10:00 P.M. TO 6:30 A.M. AND EXEMPT INDUSTRIAL ZONED DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, The City Council determines that noise emanating from industrial zoned parcels should be addressed on a case by case basis and not under an all-encompassing noise ordinance.

Now therefore, be it ordained by the Mayor and City Council of the City of Sandpoint, Idaho:

Section 1. That Sandpoint City Code, Title 5, Chapter 2, Section 6, be amended as follows.

5-2-6-3: SOUND REPRODUCTION DEVICES:

A. No person shall use or operate or permit to be used or operated any sound reproduction device to create a noise disturbance or with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. It shall be prima facie evidence of a violation of this section if sound emanating from such machine or device is:

- (1) Plainly audible beyond the property boundary of the premises upon which it is being used between the hours of ten o'clock (10:00) P.M. and ~~seven o'clock~~ six thirty (7:006:30) A.M. the following day.
- (2) Plainly audible at a distance of one hundred (100') feet or more beyond the property boundary of the premises upon which it is being used between the hours of ~~seven o'clock~~ six thirty (7:006:30) A.M. and ten o'clock (10:00) P.M.
- (3) Plainly audible at a distance of one hundred (100) feet or more from such machine or device if operated from within a motor vehicle on a public street.
- (4) Plainly audible at a distance of one hundred (100) feet or more from such machine or device when operated in a public park or other public place.
- (5) Sound exceeding 60 dBA measured from the complainant's property boundary or at a distance of one hundred (100) feet or more from the complainant's property boundary or at a distance of one hundred (100) feet or more on a public right of way or on public property, as appropriate, is prima facie evidence of a violation.

B. The provisions of this section shall not apply to the following:

- (1) The production of music in connection with any parade, or event authorized under any provision of law.
- (2) Any musical performance upon a public place where a permit has been obtained from the city for such purpose.
- (3) The use of amplifiers or other sound producing instruments or equipment in connection with any permitted athletic competition or recreational event held on athletic fields, stadiums or public places in the city.
- (4) Power tools and landscaping equipment. The operation of a noise producing lawn mower, lawn edger, weed trimmer, blower, chipper, chain saw, power tool or other similar noise producing devices which are used out of doors between ~~seven o'clock~~ six thirty (7:006:30) A.M. ten o'clock (10:00) P.M.

ORDINANCE NO. _____

5-2-6-8: CONSTRUCTION ACTIVITIES:

A. No person shall engage in or permit any person to be engaged in construction activities which create noise disturbance at the property limits of the construction site between the hours of ten o'clock (10:00) P.M. of one day and ~~seven o'clock~~six thirty (7:006:30) A.M. of the following day on any day of the week, except as is permitted in subsections B and C of this section.

5-2-6-9: LOADING AND UNLOADING OF BOXES AND CONTAINERS:

No person shall load, unload, handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of ten o'clock (10:00) P.M. and ~~seven o'clock~~six thirty (7:006:30) A.M. the following day, or in such a manner as to cause a noise disturbance across real property boundary in a residential zone or in a noise sensitive zone.

5-2-6-12: INDUSTRIAL DISTRICTS: Industrial zoned districts are exempt from the provisions of this Section.

5-2-6-13: PENALTIES FOR OFFENSES:

Any person found to be in violation of this section 5-2-6 shall be deemed to be guilty of an infraction punishable by a fine not to exceed one hundred dollars (\$100.00) for the first offense. The second offense shall be punishable by a fine not to exceed three hundred dollars (\$300.00). The third and any subsequent violation of this section is punishable as a misdemeanor, as provided in section 1-4-1 of this code.

Section 2. Severability. Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

Section 3. Repeal of Conflicting Provisions. All provisions of the current Sandpoint City Code which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Enacted by the City Council as an ordinance of the City of Sandpoint on the ____ day of _____, 2016.

Shelby Rognstad, Mayor

ATTEST:

Maree Peck, City Clerk

SUMMARY OF ORDINANCE NO. _____
Quiet Hours and Noise in Industrial Zones

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 5 CHAPTER 2, SECTION 6, NOISE, TO REFLECT THAT QUIET HOURS ARE FROM 10:00 P.M. TO 6:30 A.M. AND EXEMPT INDUSTRIAL ZONED DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING SECTIONS; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

SECTION 1 amends Sandpoint City Code Title 5, Chapter 2, Section 6; SECTION 2 provides for severability; SECTION 3 provides for repeal of conflicting provisions; and SECTION 4 provides for publication and an effective date.

The full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular business hours to any citizen on personal request.

Dated the _____ day of November, 2016.

Maree Peck, City Clerk

Publication Date: _____

STATEMENT OF LEGAL ADVISER

I, Scot R. Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. _____ and find it to be a true and complete summary of said ordinance that provides adequate notice to the public of the contents thereof.

Scot R. Campbell, City Attorney