

Siebein Associates Noise Ordinance Statements/Suggestions

Consultant Statement/Suggestion	Member Idea/Comment
<p>1.Suggestion: Use existing or adjust specific low frequency noise dBC or octave and for residential</p> <p>Statement: There is a C-weighted limit for within premises but not outdoors currently</p>	<p>McCoury: Bass coming from amplified vehicular music pierces through high impact windows and is a nuisance even when trying to enjoy indoors. Same for modified mufflers and engine revving – it's unbearably loud even when sitting indoors.</p> <p>Ellis: Considerations to be given to adding a dBc measure for outside as in many events this is the overriding source of a complaint.</p> <p>Brown: I am supportive of adding a dBc measurement.</p> <p>Pilgram: Is it possible to create a limit outdoors without affecting residential freedoms?</p> <p>Motwani: We would need more info to be able to identify context. Obviously need to ensure difference between entertainment districts and standard areas</p>
<p>2.Suggestion: Use Type 1 meters that record and store data simultaneously.</p> <p>Statement: Re-radiated low frequency sounds from bass-could limit inside</p>	<p>McCoury: Would also like to explore Noise Cameras as previously discussed, especially for amplified vehicular music in beach area and Las Olas.</p> <p>Ellis: It is my opinion that Code Enforcement has a good handle on how to measure and from where and we have seen a marked improvement with the additional officers, education and measurements. I believe that we should allow them to lead what is appropriate for the change.</p> <p>Brown: If Type 1 meter is an accurate device that will accomplish was a code officer needs to record & store I support.</p> <p>Motwani: Agree with Ellis that it is critical to have code enforcement officers enforcing so they can sort out the multiple sources of noise. We have lots of situations in commercial areas and the downtown where ambient noise of the environment is above the db thresholds, like cars stuck waiting for the light with music blaring or after market exhaust. We wouldn't want these to be operative</p>

	<p>without an officer. Additionally, I'm not certain what the statement is getting at. We wouldn't want measurements being done from inside. Should only be outside measurements</p>
<p>3.Suggestion: Consider adding 5 feet, receiver, and other locations as points of enforcement</p>	<p>Petrillo: Is this measurement from the property line? What happens with setbacks? McCoury: Definitely like the idea of being consistent with measuring at 5 feet for all complaints just as we do with Entertainment Districts. Ellis: Recognition that in urban downtown, the ambient noise level is greater, and scales should be adjusted accordingly. Measurements received during the multiple audits and locations clearly demonstrated this fact. instances. Allowing the “loudest” level of sound at the “latest” time in the morning hours is abusive. Brown: Adding 5 feet from where? The suggestion is too vague. Pilgram: Adding 5 feet receivers all over the downtown and nighttime areas?? These units must be inexpensive. Motwani: Agree with Ellis here + more) for example at 1am on the weekends the ambient level in the entertainment district is above the allowed 70 db. Even with music being off, it would be over 70db. This is something that should be looked at and possibly raised to 75db</p>
<p>4. Statement: Sources from amplified music can add together. This makes it difficult for code enforcement to differentiate the sound sources in areas with multiple establishments because Sounds from multiple venues are adding together. Suggestion: Consider active sound monitoring in venues with a system like 10EZ to verify compliance. Monitor level inside to reach 80 dB at door.</p>	<p>Petrillo: Why are we monitoring inside the venue? We should be focused on the noise emanating outside the venue. Ellis: Agrees with Petrillo’s point. Brown: If the venue patrons desire to listen to the loud sound levels within a location that is there right. The enforcement & compliance measurement should focus on noise levels outside the venue(s). Hudson: Monitoring of sound should be done outside the venue.</p>

	<p>Motwani: Agree with Petrillo and Ellis here. Why measure inside someone's private business or property? That makes no sense. If property is fully soundproofed why does it matter what the noise level is inside?</p>
<p>5.Suggestion: Use ASTM, ANSI and other standards as guidelines</p>	<p>McCoury: I consider excessive and loud noises/sounds to be a health-related concern and would like to see this included.</p> <p>Ellis: It is not the role of the city to legislate hearing health but manageable levels that respect the businesses as well as the public.</p> <p>Brown: The suggestion is only a guideline. Not written as a rule or should!</p> <p>Hudson: Whatever is used, needs to be consistent</p> <p>Motwani: : I agree with the other members that it's not for the city to legislate hearing health. This is an overreach</p>
<p>6.Suggestion: Clarify the intent and scope of plainly audible and hours associated with it.</p>	<p>Petrillo: Can not be subjective. "Plainly Audible" needs to be clearly defined.</p> <p>McCoury: And make sure that city staff, police, etc have tools and equipment to best enforce ordinance. Would like to make sure that amplified music and mufflers from vehicles are clearly spelled out in ordinance.</p> <p>Ellis: There is not an agreement on the definition of plainly audible so direction would be required to address it, how it is measured and where and appropriate hours (depending on the location)</p> <p>Hudson: Again, needs to be consistent and clearly defined</p> <p>Pilgram: Is this within the committee scope?</p> <p>Motwani: Agree with Petrillo, Ellis and McCoury. Plainly audible is too subjective</p>
<p>7.Suggestion: Trial period for changes to ordinance</p>	<p>Petrillo: Agreed</p> <p>McCoury: Hope that there's continued education and awareness about vehicular noise (music, etc.) especially in</p>

beach area as was conducted around July 2022.
<https://www.local10.com/news/local/2022/06/29/police-in-fort-lauderdale-issue-warnings-as-new-law-prohibiting-loud-music-takes-effect/>

Ellis: I believe that the trial period should be established once the criteria is defined but a minimum of 6 months or maximum of 12 months.

Brown: I support a trial period for the change and a grace period for compliance

Hudson: Yes.

Motwani: A 6-12 month trial would seem appropriate. Would also suggest that during the trial we operate with warnings and not acutal fines so that we can document the effect on businesses. This would become more of a fact finding trial versus having actual consequences that could shut down businesses and hurt the local economy

Consultant Suggestion

Member Comment

<p>Account for verticality of new and existing buildings</p>	<p>Petrillo: Agree, Ellis: Agree Brown: I support this approach Hudson: Yes Motwani: It is unclear what the specific recommendation is. If it's measuring sound up where people's units are rather than at the street, would make sense.</p>
<p>Plan for future buildout of area. Require a noise study for new and renovated construction with specific requirements (for what's there and what will come).</p>	<p>Petrillo: Agree Ellis: Agreed with the proviso that existing entertainment district exist and not applicable. Brown: I support this as a requirement Hudson: Yes, consistent and defined Motwani: Agree with Ellis, should not be applicable in Entertainment Districts. Also, hard to identify what is to come at the time of site plan approval. They don't specify when this noise study would be required and if it was site plan, wouldn't know what was going to be in your building with any certainty and then the noise study will handcuff your ability to pivot and respond to market conditions if shift to something that generates more noise. Even outside entertainment district this is hard to really enforce or justify since we already have a noise ordinance</p>
<p>Guidelines for acoustic construction – whether across the street, down the block or in the same building</p>	<p>Petrillo: Agree Ellis: Agree Brown: I support Hudson: Yes, consistent and defined Pilgram: The cost to add acoustic construction on new builds would run up cost on projects for builders and the city as well Motwani: Would need to see how these are written. At some level, market should address this itself without need for excess guidelines. If we are in a noisy environment, we are going to increase our acoustic protection. If we built a club in a residential</p>

	building, then we'd have a lot of acoustic treatment to make sure it didn't impact residents
Link noise ordinance, zoning codes, and plans approval, comprehensive plan and other required approvals to post construction acoustic performance.	<p>Petrillo: Agree</p> <p>Ellis: The attempt to implement zoning and building guidelines into the sound ordinance is overreaching for the intent of the committee and I believe that legal advised that codes currently address needs.</p> <p>Brown: I agree only if this has a legal bases for compliance</p> <p>Hudson: Yes consistent and defined</p> <p>Motwani: Agree with Ellis this is overreaching.</p>
Precedent – expand the requirements for noise studies from transportation related projects to other project types	<p>Petrillo: Agree,</p> <p>Ellis: Agree</p> <p>Brown: I support this precedent</p> <p>Hudson: Agree</p> <p>Motwani: I disagree with this. Not sure what the noise study does since we already have a noise ordinance to regulate this</p>

Stone: Comments on a separate page, attached

Ferrera: No additional comments to make

Quinn: Unavailable to comment

Noise Study Comments – Ralph Stone

1. Regulating the “bass beat” is 90% of the problem. This must be addressed
2. Enforcement, especially after hours and on weekends, requires that the Plainly Audible standard with a dimensional requirement. This standard is already used in the residential areas. I recommend that a 100 foot Plainly Audible standard be applied in all mixed use districts which allow residential.
3. The noise impact as a result of amendments to the “Entertainment Districts” must be revisited. The Entertainment District is already being misapplied in many instances. Allowing the “loudest” level of sound at the “latest” time in the morning hours is abusive.
4. In conjunction with Number 3 above, the application and interpretation of Night Club use in the code must be evaluated. This is both a zoning issue and an Alcoholic Beverage Licensing ordinance issue. The Entertainment District was never intended to allow outdoor accessory uses be turned into Outdoor Night Clubs.
5. The definition of R/W and Public Spaces needs to be evaluated. The 25 foot plainly audible standard that applies to R/W’s which has also been interpreted by City Legal to apply to other public spaces does not work.
6. A Special Events ordinance must be structured to coordinate w the Noise Ordinance. All outdoor amplified music must be sensibly regulated in terms of level, time of day, frequency.
7. We MUST recognize that in addition to being a legal nuisance, noise has serious health impacts. This has been overlooked. The medical and science data exists.

NOTE: the City of Clearwater noise ordinance is three pages and applies a 100 foot plainly audible standard to all noise defined as illegal. (defined in the ordinance). And has a companion Special Event Ordinance. This has been in place for over 20 years.