

To: Mayor Bob Nelson and City Council

From: Bill Nash

7723 Jackson St. NE

Re: ORDINANCE AMENDING SECTION 9.20.020 OF THE CITY CODE RELATING TO PUBLIC NUISANCES

Mayor and Councilmembers,

Please see below in **bolded** type my comments regarding concerns I have regarding the proposed amendments. I am opposed to these specific changes for the reasons stated.

Thank you for your time.

E. Noise violations.

1. Prohibited Noises.

The following are declared to be nuisances affecting public health, safety, peace or welfare:

- a. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of this noise (this general prohibition is not Page 6 limited by any specific restrictions provided in this ordinance. PLAINLY AUDIBLE is defined as sound that can be detected by a person using their unaided hearing faculties.
- e. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
- f. The use or operation, or permitting the use or operation, or any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. **COMMENT: Will this apply to the high school stadium loudspeakers? You can hear the loudspeakers in your house with the windows closed, depending on the wind and you can hear it no matter what if you have your windows open or are outside in your yard. It's like being in the stadium though you are thousands of feet away. The Planning Commission and City Council have required most, if not all, businesses wishing to move into our city to minimize or eliminate noise that could impact their residential neighbors. It's my understanding that the school district is supposedly "grandfathered" under this proposal, yet we want to continue to impose these restrictions on residents and businesses. This is a double standard in my opinion; either all are required to comply, or none should be required to comply.**

#### 4. Participation in Noisy Parties or Gatherings.

No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet or repose of other persons. When a peace officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a peace officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped. **COMMENT: This seems extremely subjective. For example, if someone has a graduation party with numerous people attending, there will be noise. If you happen to have a neighbor who doesn't like you, they could claim you're making too much noise, disturbing the peace, or their quiet or repose. If law enforcement shows up, they will determine if your gathering is creating such a noise disturbance. What criteria will be used for making this determination? Will they use a decibel meter? Will it be left to the discretion of the officer? How do we ensure consistent enforcement without some criteria? This has the very real potential of putting officers in untenable situations, not to mention exacerbating issues between neighbors who want to make life miserable for one another (which I witnessed numerous times while on council).**

Sincerely,

**Bill Nash**