

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

99-413

SYNOPSIS -

AGENDA:

SEPTEMBER 27, 1999

The Police and Community Development Departments share in the enforcement of the City sound ordinance. It was determined that there was no system in place to revoke existing permits for amplified sound when the holders were either violating the ordinance or creating an adverse impact on neighbors. There was also no provision for the denial of a sound permit in the case of an applicant who was found to have repeated violations of the ordinance. The proposed amendment creates a process to deny a sound permit due to ineligibility or revoke it due to repeated violations or adverse impact. Additionally, the fee for annual permits is raised to \$200 and requires those using recorded music for civil or religious celebrations in nonresidential areas to obtain a sound permit.

SUBJECT:

AMENDMENT TO
ORDINANCE FOR A
PROCESS TO
REVOKE SOUND
PERMITS AND
ADOPT NEW
PERMIT FEES

FISCAL IMPACT -

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

There is no additional impact over approved budget. The staff hours expended with the hearing process should net out with the amount of time dealing with complaints and unresolved conflict.

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

RECOMMENDATION -

Staff recommends that the Council adopt the proposed ordinance changes.

BACKGROUND -

The Police and Community Development Departments have traditionally responded to complaints dealing with amplified sound. Some of these complaints are clear violations of decibel limits. In other instances it is not the loudness of the sound that causes the noise disturbance but its nature. Neighbors have

complained about types of music played, repeating sound, music that is played continuously or bass tones vibrating through walls to name a few.

Some complaints were unenforceable because they are a matter of personal taste. If a sound permit had been issued there was nothing that could be done beyond enforcing the terms of the permit. Others were not enforceable because there was no provision in the ordinance to carry the matter any further.

This proposed amendment is designed to address the need to better regulate and enforce noise violations through the permit process.