ORDINANCE NO. 10-21

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY AMENDING SECTION 26-194 TO PROVIDE FOR THE REGULATION OF SOUND EMANATING FROM A PUBLIC RIGHT OF WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West currently has sound regulations governing typical commercial and residential activities, including distance and location requirements for noise that emanates directly onto a street, sidewalk or alley; and

WHEREAS, the City Commission recognizes that sound emanating from the public right of way lacks the buffers and other sound control devices that would ordinarily reduce the impacts of noise; and

WHEREAS, the City Commission finds that the regulation of noise emanating from any public right of way would promote the health, safety and welfare of the citizens of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 26-194 of the Code of Ordinances is hereby amended as follows*:

Sec. 26-194. Citation Procedure

* * * *

(h) Notwithstanding the provisions of paragraphs (b) and (c) above, a complaint of disturbing noise may be made at any distance from a commercial or residential property when the location of the sound source is a public right of way. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his or her property. The investigating officer may issue a warning if in his or her judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning issued during any twelve month period.

Section 2. If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

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*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 4. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 7th day of September, 2010.

Read and passed on final reading at a regular meeting held this 5th day of October, 2010.

Authenticated by the presiding officer and Clerk of the Commission on 6th day of October, 2010.

Filed with the Clerk October 6, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK