

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. _____

AN ORDINANCE

amending Chapter 16 of the City Code as it relates to noise and noise in the downtown area; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 16 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 16-256. Loud noises prohibited.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. This subsection shall not apply to sounds from any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound. This subsection shall not apply to shouting, singing, whistling or verbal utterances.

...

Sec. 16-258. Radios, phonographs, etc. outside the downtown area.

(a) It shall be unlawful to play or permit to be played any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound in a manner that disturbs the peace, quiet or comfort of the neighboring inhabitants.

...

(e) This section shall not apply to the downtown area as defined in section 16-258.1.

Sec. 16-258.1. Radios, phonographs, etc. in the downtown area.

(a) As used in this section, "downtown area" means the area included within the following boundaries:

Beginning at the intersection of Providence Road and Ash Street; thence east along the centerline of Ash Street to the centerline of Tenth Street; thence north along the centerline of Tenth Street to the centerline of Park Avenue; thence east along the centerline of Park Avenue to the southwest corner of Lot 3 of Harbison's Addition and COLT Railroad Administrative Plat; thence clockwise around the boundary of Lot 3 of Harbison's Addition and COLT Railroad Administrative Plat to a point opposite the centerline of Orr Street; thence south along the centerline of Orr Street to the centerline of Ash Street; thence east along the centerline of Ash Street to the centerline of College Avenue; thence south along the centerline of College Avenue to the centerline of Locust Street; thence west along the centerline of Locust Street to the centerline of Hitt Street; thence south along the centerline of Hitt Street to the centerline of Elm Street; thence west along the centerline of Elm Street to the centerline of Watson Place; thence south along the centerline of Watson Place to an east-west alley; thence west along the centerline of the alley to the centerline of Ninth Street; thence north along the centerline of Ninth Street to the centerline of Elm Street; thence west along the centerline of Elm Street to the centerline of Providence Road; thence north along the centerline of Providence Road to the point of beginning.

(b) It shall be unlawful to play or permit to be played, in the downtown area, any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound, between the hours of 11:00 p.m. and 7:00 a.m. in a manner that both:

- (1) Disturbs the peace, quiet or comfort of an inhabitant of property used for residential purposes in or outside the downtown area, and
- (2) Is plainly audible at a distance of 300 feet from the building, structure or outdoor area where the device is located.

(c) It shall be unlawful to play or permit to be played, in the downtown area, any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound, between the hours of 7:00 a.m. and 11:00 p.m. in a manner that both:

- (1) Disturbs the peace, quiet or comfort of a neighboring inhabitant in or outside the downtown area, and

(2) Is plainly audible at a distance of 500 feet from the building, structure or outdoor area where the device is located.

(d) Sounds escaping from the opening of exterior doors shall not constitute a violation of this section.

(e) Subsections (b) and (c) shall not apply to any sounds generated in connection with an event or activity for which the city council has authorized a street closure.

(f) Except as allowed in division 2 of this article, it shall be unlawful for the operator of any vehicle to play or permit to be played any sound producing or sound amplifying device in or on the vehicle so that it is plainly audible at a distance of fifty (50) feet from the vehicle.

Sec. 16-259. Shouting, etc. outside the downtown area.

(a) It shall be unlawful to shout, sing, whistle or make any verbal utterance or noise at a volume that disturbs the peace, quiet or comfort of the neighboring inhabitants.

...

(c) This section shall not apply to the downtown area defined in section 16-258.1.

Sec. 16-259.1. Shouting, etc. in the downtown area.

(a) It shall be unlawful to shout, sing, whistle or make any verbal utterance or noise, in the downtown area as defined in section 16-258.1, at a volume that both:

(1) Disturbs the peace, quiet or comfort of a neighboring inhabitant in or outside the downtown area, and

(2) Is plainly audible at a distance of 300 feet from the building, structure or outdoor area where the person making such noise is located.

(b) Subsection (a) shall not apply to any performance in connection with an event for which the city council has authorized a street closure.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2009.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor