VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Robert Oldakowski, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon

Village Manager
Jacqueline R. Menendez

DT: February 27, 2004

TO: Honorable Mayor and Members of the Village Council

FR: Jacqueline R. Menendez, Village Manager

RE: Noise Ordinance Review Committee Quarterly Report

The Ordinance which created rules for committees requires that the Chair or a designated person of each Committee provide an oral quarterly progress report to the Village Council at the first meeting in March, June, and September. An annual written report is required in December. Staff is required to provide the Council with agendas, attendance records, and related backup materials for all of these meetings.

The attachments to this memorandum is submitted to meet the above requirement. The Chair or his designee will provide the Council with an oral report documenting the progress of the Noise Ordinance Review Committee during the past three (3) months.

88 West McIntyre Street • Key Biscayne, Florida 33149 • (305) 365-5514 • Fax (305) 365-8936
MISSION STATEMENT: "TO PROVIDE A SAFE, QUALITY COMMUNITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT."

NOISE COMMITTEE: MEETING ATTENDANCE

Name	4/28/03	5/21/03	7/2/03	8/13/03	9/17/03	10/15/03	11/19/03	12/17/03	1/21/04	2/18/04						
1. Clint Archambault	P	P	P	P	A	P	P	P	P	P						
2. Luis Arrondo	P	P	P	A	P	A	P	P	P	A						
3. Serge Barder	P	P	P	P	A	P	P	P	A	P						
4. Ana Brennan	P	P	P	A	A	P	P	P	P	P						
5. Michael Carsch	P	A	P	P	P	P	P	P	A	P						
6. Jose Penichet	A	P	P	P	P	P	P	P	P	P						
7. Bill Pickell	P	P	A	P	P	A	P	P	P	P						
8. Ramon Rodriguez	P	A	P	P	P	A	P	P	P	A						

NOISE ORDINANCE REVIEW COMMITTEE (NORC)
WEDNESDAY, FEBRUARY 18, 2004
6:00-8:00 p.m.

VILLAGE HALL/POLICE STATION
COMMUNITY ROOM #120

1. Attendance

2. Approval of Minutes:
   a. January 21, 2003 Minutes

3. Review of Section 17-3(3): Commercial, hotels, and Private Clubs (Beach Club, Yacht Club, and Grand Bay

5. Review of New Section 17-8 Burglar Alarms

6. Approval of Revised Schedule

7. Public Comment

8. Next Meeting Date

9. Adjournment

DT: January 22, 2004

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2, 2003	Committee reviews schedule and approves methodology Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13, 2003	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Review of Key Biscayne Noise Ordinance Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17, 2003	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. Key Biscayne Noise Committee: Review of complaints and violations Review of Key Biscayne Noise Ordinance Sec 17-3 (a) Excessive noise (b) Horns, signaling devices, etc. (d) Animals, birds, etc. (e) Exhausts (f) Construction (g) Firearms and explosives (p) Power tools and landscaping equipment

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
4.	Oct 15, 2003	Review of Key Biscayne Noise Ordinance Sec 17-3 (k) Defect in Motor Vehicle or Motorboat (l)H awkers/peddlers (m) Schools, courts, hospitals, places of religious worship (n) Aircraft (o) Open air concerts, musical broadcasts, etc. (q) Leaf blowers Section 17-4 Permits for Special Events Section 17-5 Exemptions Section 17-6 Enforcement Section 17-7 Penalties Review of complaints and violations
5.	Nov 19, 2003	Section 17-3 (c) Radios, Televisions, Photographs, Musical Instruments, etc. (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification Review of Section 17-4 Permits for Special Events Review of Section 17-5 Exemptions Burglar Alarms - New Section
6.	Dec 17, 2003	Review of Section 17-4 Permits for Special Events
7.	Jan 21,2004	Review of Section 17-6 Enforcement Review Enforcement, Section 17-7 Penalties Review of Section 17-3(c) noise from private clubs and hotels
8.	Feb 18, 2004	Review of Section 17-3(3) noise from private clubs and hotels Review of New Section 17-8 Burglar Alarms
9.	Mar 17, 2004	Section 17-3 - reconsideration of previously approved sections (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification Section 17-7-Penalties- reconsideration of maximum fines Final review of the Noise Ordinance Prior to the Committee's Public Hearing
10.	April 14, 2003	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the hearing, changes are made, and the ordinance is forwarded to the Village Council.

11.	May 4, 2004	Committee appears before Council and requests public hearings (2).
12.	June, 2004	Council holds two public hearings.

Noise Ordinance Review Committee
Meeting Notes from January 21, 2003
By: Jose F. Penichet,
Co-Secretary

Noise Committee Minutes of the Meeting, January 21st, 2004

Meeting called to order.
Members in attendance:
Luis Arrondo
Ana Brennan
Clinton Archambault
Bill Pickell
Ramon Rodriguez
Jose F. Penichet

Absent:
Serge Barder, Chair
Michael Carsch, Co-Chair

Also in attendance:
Bob Oldakowski, Mayor
Jud Kurlancheek, Director K.B.B.P.Z.
Alex Palenzuela, Village Attorney
Officer Ismaeloff. K.B. Police Dept.

Public attendance:
Michael Stephens
Mike Cruz
Mr & Mrs. John Caughlan

Old business:
Review and approval of minutes of the meeting of December 17th, 2003. Review and approval of changes and additions of the minutes of the meeting of November 19th, 2003.

Next meeting scheduled for February 18th, 2004.

Mayor Oldakowski introduction. Thanks to the members of the committee for their time and effort and explained why are we in this committee.

Discussion of the Key Biscayne noise ordinance 17.5 exceptions followed:

17.5 (a) After discussion motion to leave as written was seconded and approved unanimously.
17.5 (b)(c) After discussion motion to leave as written was seconded and approved unanimously.

17.3 (h) New discussion of portion of 17.3 (h) dealing with outside events at private and commercial clubs and hotels followed: Questions regarding frequency and length of parties in the Beach the Club and Ritz Carlton were answered. Beach Club parties have become much more frequent and louder. Also frequency and intensity of the outside events at The Ritz Carlton Hotel was discussed. It was noted that approximate one half of the special events permits in 2003 issued by the Village of K. B. were to The Ritz Hotel and all were conducted outside. It was also noted that no complaints were recorded from outside events at The Yacht Club, The Sonesta Hotel or The Grand Bay Club. Bill Pickell made a motion to leave further discussion on this section for the following meeting in order to allowed Michael Carsch in the discussion and resolution of this section.

Discussion regarding the continued usage of The Ritz fire emergency gate located on Ocean Drive was tabled until the next meeting. The committee unanimously requested the presence of the Village Manager Jackie Menendez to the next meeting to explain why the Fire Chief gives permission to open the gate for deliveries, etc.

Public comments:

Mr. Mike Cruz of 590 Ocean Drive complaint about the Waste Management blowing the horn at the security guard very early in the morning. Also loud music from the Beach Club employee's car every day.

Mr. Michael Stephens presented a letter with copies to every committee member listing the outside events at The Ritz from January 3rd to January 19th (8 events). He also points out in his letter that 3 of the 8 activities were taking place outside the current permit time frames.

Mr. & Mrs. Caughlan also complained about the Beach Club loud music and frequency of parties. They also mentioned the loud music from the Beach Club employee and the frequency of The Ritz outside events.

Clinton Archambault suggested having a threshold of three violations prior to banning of special events.

Luis Arrondo pointed out that there is an area encompassing The Ritz Hotel, The Beach Club, Galen Breakers, Bahia Mar, The Sands, and other buildings on Ocean Drive where all the noise problems arise therefore this should be treated separately.

Officer Ismaeloff requested that residents should call the Police Department to complain when noise levels are endangering the quality of life.

Jose F. Penichet asked all members to read K.B. noise ordinance 17.3 (c) and give individual interpretation to the meaning of this section.

VILLAGE OF KEY BISCAYNE
NOTICE OF PUBLIC MEETING REGARDING THE NOISE ORDINANCE REVIEW COMMITTEE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON FEBRUARY 18, 2004, 6:00 P.M., IN THE VILLAGE HALL/POLICE STATION, COMMUNITY ROOM #140 (FIRST FLOOR), 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR TO THE BUILDING, ZONING, AND PLANNING DIRECTOR AT 88 W. MCINTYRE STREET, KEY BISCAYNE, FL 33149.IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5511, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS OF THE VILLAGE COUNCIL MAY BE ATTENDING THIS MEETING.

Posted in the Village Hall February 11, 2004

DT: January 22, 2004

TO: Don Emory, Key Biscayne Yacht Club
Mike O'Brian, Key Biscayne Beach Club
Hector Meneses, Grand Bay Club
Michael Carsch, Ritz Hotel
Mathias Kammeron, Sonesta Hotel
Angela Arango, Sands Condominium Manager
Mitchell Esterez-Hayes Key Colony
Homeowner's Association

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Noise Ordinance Review Committee

On January 28, 2003, the Village Council created the Noise Ordinance Review Committee. The purpose of the Committee is to review the Village's Noise Ordinance and to recommend to the Council changes, if any, that would improve the quality of life in the Village.

The Committee first met in April 2003 and has been meeting on a monthly basis. The Committee is now in the process of reviewing indoor and outdoor activities that creates noise at private clubs and hotels which is heard in adjacent properties. Presently, this situation is permitted within certain time limitations. It is possible that the Committee may recommend to the Village Council that the current regulations be changed. The following or some derivation may be recommended:

1. a prohibition of noise that could be heard in an adjacent property, regardless of the time.

2. stricter regulations or hours.

3. maintain the present regulations.

This subject will be discussed by the Committee on February 18, 2004, 6:00 p.m., in the Village Hall Community Room (first floor of Village Hall), 88 W. McIntyre St., Key Biscayne, Fl 33149. I urge you or a representative to attend the meeting. Please note this meeting is not a public hearing, but the Committee's guidelines provide an opportunity for the public to comment on any subject on the agenda. If you wish to comment on this subject at the meeting, the Committee has established a guideline that speakers are limited to 2 minutes. If you prefer, you may send written comments to me and I will distribute them to the Committee.

Once the Committee completes their review of the entire Noise Ordinance, they will hold a public hearing. The Committee will then forward their recommendations to the Village Council. If the Council wishes to amend the Noise Ordinance, two public hearings are required. All public hearings are advertised in The Islander News.

If you have any questions, please contact me at 305 365 8908.

VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council
Robert Oldakowski, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon

Director
Jud Kurlancheek, AICP

DT: January 22, 2004

TO: Don Emory, Key Biscayne Yacht Club
Mike O'Brian, Key Biscayne Beach Club
Hector Meneses, Grand Bay Club
Michael Carsch, Ritz Hotel
Mathias Kammeron, Sonesta Hotel
Angela Arango, Sands Condominium Manager
Mitchell Esterez-Hayes Key Colony
Homeowner's Association

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Noise Ordinance Review Committee

On January 28, 2003, the Village Council created the Noise Ordinance Review Committee. The purpose of the Committee is to review the Village's Noise Ordinance and to recommend to the Council changes, if any, that would improve the quality of life in the Village.

The Committee first met in April 2003 and has been meeting on a monthly basis. The Committee is now in the process of reviewing indoor and outdoor activities that creates noise at private clubs and hotels which is heard in adjacent properties. Presently, this situation is permitted within certain time limitations. It is possible that the Committee may recommend to the Village Council that the current regulations be changed. The following or some derivation may be recommended:

1. a prohibition of noise that could be heard in an adjacent property, regardless of the time.

2. stricter regulations or hours.

3. maintain the present regulations.

This subject will be discussed by the Committee on February 18, 2004, 6:00 p.m., in the Village Hall Community Room (first floor of Village Hall), 88 W. McIntyre St., Key Biscayne, Fl 33149. I urge you or a representative to attend the meeting. Please note this meeting is not a public hearing, but the Committee's guidelines provide an opportunity for the public to comment on any subject on the agenda. If you wish to comment on this subject at the meeting, the Committee has established a guideline that speakers are limited to 2 minutes. If you prefer, you may send written comments to me and I will distribute them to the Committee.

88 West McIntyre Street • Suite 250 • Key Biscayne, Florida 33149 • (305) 365-5512 • Fax (305) 365-5556
MISSION STATEMENT: "TO PROVIDE A SAFE, QUALITY COMMUNITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT."

Once the Committee completes their review of the entire Noise Ordinance, they will hold a public hearing. The Committee will then forward their recommendations to the Village Council. If the Council wishes to amend the Noise Ordinance, two public hearings are required. All public hearings are advertised in The Islander News.

If you have any questions, please contact me at 305 365 8908.

F. Michael Steffens

11-21-04

Key Biscayne Noise Ordinance Review Committee

Dear Board,

Since our last meeting I have kept a list of the events (when we were staying at the Sands Apartment) at the Ritz Hotel that were disturbing our peace and enjoyment of our apartment.

1.	**Sat.**	**Jan. 3**	**Evening party with loud music.**
2.	**Sun.**	**Jan. 4**	**Afternoon wedding with loud music.**
3.	**Tue**	**Jan. 6**	**Evening party with loud music. Police called at 11:45pm.**
4.	**Mon.**	**Jan. 12**	**Evening party with loud music.**
5.	**Fri.**	**Jan. 16**	**Evening party with loud music.**
6.	**Sat.**	**Jan. 17**	**Afternoon wedding with loud music.**
7.	**Sun.**	**Jan. 18**	**Clean-up, set-up or breakdown outside at 12:00 midnight**
8.	**Mon.**	**Jan. 19**	**Morning activity with amplified speakers at 6:55 am**

Please notice that this list is only for a two-week period. Also notice that the three underlined activities were taking place outside of currently permitted time frames.

While I can understand a resident of Key Biscayne having to live with the occasional party on the weekend and/or maybe a rare party during the week, I do not believe that any resident of Key Biscayne should be subject to multiple loud, obnoxious, boisterous, disturbing, annoying parties and/or activities in any monthly period.

As a neighbor of this types of facility, I should not be treated differently nor be subjected to excessive activities that would not be tolerated in any other residential area of this island.

Sincerely

Michael Steffens

615 Ocean Drive 2A
Key Biscayne, Florida, 33149
305.448.5299 Voice
305.444.0842 Fax
fmsarch @attglobal.net E-mail

ORDINANCE NO. _____

AN ORDINANCE OF VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 "NOISE ORDINANCE" CONCERNING NOISE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the _____; and

WHEREAS,

IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Code Amended. That the Village Code of the Village of Key Biscayne, Florida, is hereby amended[1] by revising Chapter 17 "Noise," to read as follows:

Section 17-1. Prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, excessive, unnecessary or unusual Noise Disturbance. For purposes of this chapter, the word "Noise Disturbance" shall mean any sound in quantities which are or may be potentially harmful or injurious to human health or welfare, or which unnecessarily interferes with the enjoyment of life or property, including outdoor recreation, of a reasonable personal with normal sensitivities.

Sec. 17-2. Definitions.

The following words, terms and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Alarm. Any fire, burglary, motor vehicle, motorboat or civil defense alarm, whistle or similar stationary emergency signaling device.~~

1/ Proposed deletions from existing Village Code text are indicated by ~~strike through~~; proposed additions to existing Village Code text are indicated by underline.

Construction. Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, on public or private rights-of-way, structures, utilities or property.

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Holidays. In addition to Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Columbus Day, Washington's Birthday (the third Monday in February), Martin Luther King, Jr. Birthday (the third Monday in January), Thanksgiving Day, Christmas Day.

Leaf Blower. Any device used, designed or operated to produce a current of air by fuel, electricity or other means to push, propel or blow lawn, tree or plant cuttings, refuse or debris.

Motor Vehicle. A two or more wheel vehicle, or machine, propelled or drawn by mechanical power, gas or diesel, and used on the public roads and highways in the transportation of people or property.

Motorboat. Any vessel which is propelled or powered by machinery and which is used or capable of being used as a means of transportation on water.

Plainly Audible. A noise which is unreasonably loud, raucous or jarring.

Sec. 17-3. Prohibited acts.

The following acts are declared to be a Noise Disturbance and constitute a violation of this chapter:

(a) Excessive noise. Any noise which is hazardous to public health, welfare, safety or the quality of life within the limits of the Village or of such character, intensity or duration which disturbs the public peace and welfare.

(b) Horns, signaling devices, etc. The sounding of any horn or signaling device on any Motor Vehicle or Motorboat on any street or place in the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.

(c) Radios, televisions, phonographs, musical instruments, etc. The using, operating, playing, or permitting to be played, used or operated any radio, television, phonograph, musical instrument, or other machine or device for the producing or reproducing of sound in such manner as to cause Noise Disturbance so as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, Motor Vehicle, Motorboat or area in which such machine or device is operated and who are

Party Section

voluntary listeners thereto. The operation of any such radio, television, phonograph, musical instrument or other machine or device on a property containing the following uses: single family homes, duplexes, multiple family (excluding hotel), places of worship and private clubs:

(1) Before 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(2) Before 8:00 a.m. on Saturday, Sunday and Holidays;

(3) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday;

(4) After 12~~:00 p.m.~~ midnight on Friday, Saturday and Holidays,

in such a manner as to be Plainly Audible at a distance of 100 feet from the building, structure, Motor Vehicle, or Motorboat or area in which it is located shall be prima facie evidence of a violation of this chapter.

(d) Animals, birds, etc. The owning, possessing or harboring of any animal or bird which causes~~, before 7:00 a.m. or after 11:00 p.m.,~~ frequent or continued noise which is Plainly Audible~~ at a distance of 100 feet~~ from~~ the building or structure in which~~ any property or residential dwelling unit other than the property or residential dwelling unit where the animal or bird is located.

(e) Exhausts. The discharge into the open air of the exhaust of any engine; stationary internal combustion engine, Motor Vehicle or Motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(f) Construction. The creation of a loud or excessive noise in connection with the conducting of Construction:

(1) Before 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(2) After 6:30 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(3) At any time on Saturday, Sunday and Holidays,

except for Emergency work. The prohibition of loud or excessive Construction noise on Saturdays as set forth in subparagraph (3) of this paragraph (f) shall not be applicable to Construction activities which are conducted between the hours of 8:00 a.m. and 4:30 p.m. if authorized by a building permit (the "Permit") or Development of Regional Impact Order (the "Order"), if such Permit or Order was issued before January 23, 2001. Notwithstanding the foregoing, the creation of loud or excessive noise in connection with the use and operation of heavy equipment for earth moving and compacting, concrete demolition or pile driving is prohibited at any time on Saturdays. If Emergency work is to be performed, the owner of the property upon which such Emergency work is performed or the property owner's authorized representative shall notify the Village Police Department prior to the commencement of such Emergency work.

(g) Firearms or explosives. The use or firing of any explosives, firearms or similar devices, except in an Emergency, or using or firing firecrackers, skyrockets or the like without the prior approval of the Village Manager.

(h) Loudspeaker or sound amplifier. The using or operating of any loudspeaker, loudspeaker system, sound amplifier or other similar device:

(1) Before 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(2) Before 8:00 a.m. on Saturday, Sunday and Holidays;

(3) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday;

(4) After 12:00 p.m. on Friday, Saturday and Holidays,

such that the sound therefrom is Plainly Audible at a distance of 100 feet from the building, structure, Motor Vehicle or Motorboat in which it is located; provided, however that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the Village Manager pursuant to section 17-4.

(i) Loading or unloading. The creation of a loud or excessive noise in connection with the loading, unloading, opening, closing or other handling of boxes, crates, containers, refuse cans or other objects:

(1) Before 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(2) Before 8:00 a.m. on Saturday, Sunday and Holidays;

(3) After ~~7:00~~6:30 p.m.

(j) Commercial maintenance equipment. The use of commercial maintenance equipment which creates a loud or excessive noise in connection with the operation of said equipment within 100 feet of any residential area:

(1) Before 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(2) Before 8:00 a.m. on Saturday, Sunday and Holidays;

(3) After 7:00 p.m.

(k) Defect in Motor Vehicle or Motorboat. The use of any Motor Vehicle or Motorboat so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(l) Hawkers/peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(m) Schools, courts, hospitals, places of religious worship. The creation of any excessive noise on any street or place adjacent to any school, court, hospital or place of religious worship, while the same are in use, which unreasonably interferes with the operation of such institution or which disturbs or unduly annoys the persons within such institutions.

(n) Aircraft. The use of any mechanical loudspeakers or amplifiers in any moving airplane or any other kind of aircraft, over any part of the Village, for advertising or other purposes.

(o) Open air concerts, musical broadcasts, etc. The playing, broadcasting or transmitting of music in such a manner as would reasonably be calculated to attract a crowd or cause persons to congregate in or on any open space, lot, yard, park, sidewalk or street, or to permit the same to occur on or from any property owned, leased or occupied by said person(s) without first having obtained a permit to do so as provided in section 17-4~~; except no permit shall be required of any person(s) in order to engage in such activity within the residential property wherein such person(s) resides~~.

(p) Power tools and landscaping equipment. The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, chippers, Leaf Blowers, chain saws, power tools and other noise-producing tools: ~~which are used to maintain a residence or at a residence out of doors: before 8:00 a.m. or after 6:00 p.m., on Monday, Tuesday, Wednesday, Thursday and Friday, or before 10:00 a.m. or after 6:00 p.m. on Saturday, Sunday and Holidays~~

(1) before 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(2) after 6:30 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday;

(3) before 10:00 a.m. and after 6:30 p.m. on Saturday;

~~(3)~~(4) at any time on Sunday and Holidays. However, non-commercial operation of noise producing tools may occur on Sunday and Holidays after 10:00 a.m. and before 6:30 p.m.

(q) Leaf Blowers. ~~After April 1, 2001, it shall be unlawful for any person~~The use or operation within the Village ~~to use or operate~~of any portable Leaf Blower machine to blow leaves, dirt, and other lawn, plant or tree debris off or upon sidewalks, driveways, lawns, or other surfaces. ~~unless said machine has a stamp from the manufacturer or testing laboratory certifying a rating of no more than 65 decibels.~~ The purpose of this paragraph is to protect the public health, safety and welfare by reducing the amount of noise produced within the Village and by mitigating the amount of airborne debris, dust and pollen.

(r) Ringing Burglar Alarm Systems. The ringing of any burglar alarm system as defined in Section 17-8 of the Village Code for 15 minutes or longer.

Sec. 17-4. Permits for special events.

Upon written application to the Village Manager or his or her designee submitted a minimum of ten days prior to an event at which noise levels are expected to violate this chapter, the prohibitions or hour restrictions contained herein may be modified subject to such conditions as the Village Manager may impose. The decision of the Village Manager shall be final and not subject to appeal.

(a) Permit application information. The application for a permit under this section shall contain the following information:

(1) The name, date of birth, address and telephone number of the person who will be in charge of the activity or event for which a permit is requested;

(2) The name of the person or entity seeking the permit;

(3) The exact date and time for which the permit is sought;

(4) The exact location of the activity or event for which a permit is requested; and

(5) A description of the activity or event for which a permit is requested.

(b) Permit contents, time restrictions. Permits issued under this section shall specify the date and time during which the activity or event authorized by permit may be conducted. No permit shall be issued which encompasses more than one calendar day, or a span of hours in excess of eight hours.

(c) Procedures for administrative permits. The Village Manager is hereby authorized to promulgate reasonable rules and procedures for the application, issuance and revocation of such permits.

(d) Criteria for permit issuance; posting of bond. Issuance of a permit under this section shall be based on a determination by the Village Manager or his or her designee that the activity or event for which a permit is requested does not constitute a threat to public safety; constitute a danger or impediment to the normal flow of traffic; or constitute a potential disturbance of the peace and quiet of persons outside the premises where the activity or event is located. The Village Manager or his or her designee may require that a bond be posted in an amount sufficient to secure the costs of cleanup, repair or replacement of damage or destruction of property and shall be subject to forfeiture for purposes of paying any such costs.

(e) Persons designated as being in charge to be present. The person designated in the permit application required in this section as being the person in charge of the activity or event for which the permit is sought must remain at the location of said activity or event during the entire time stated in the permit. It shall be unlawful and a violation of this section for said designated person in charge to fail to remain in attendance at the location of the activity or event authorized by the permit for the entire time specified in the permit.

Sec. 17-5. Exemptions.

The terms and prohibitions of this chapter shall not be applied to or enforced against:

(a) Any Motor Vehicle, Motorboat or other vehicle of the Village, the County, the State or licensed public utility vehicle within the Village while engaged in necessary public business.

(b) (1) Excavation or repairs of bridges, streets, highways, street lights or utilities, by or on behalf of the Village, the County, or the State, or performance of such work during the night if the public welfare and convenience renders it impossible to perform such work during the day.

(2) The Construction of public improvement projects of the Village, including, but not limited to, beach renourishment projects, but solely to the extent authorized by and subject to the conditions set by resolution of the Village Council, as adopted after a public hearing. Any violation of the conditions of the resolution shall cause a waiver of the exemption and shall constitute a violation of this chapter.

(c) A reasonable use of amplifiers or loudspeakers in the course of public addresses or gatherings which are noncommercial in character; noise generated in the course of a special activity or event which has obtained a permit pursuant to section 17-4; noise generated for the purpose of alerting persons to the existence of an Emergency or noise generated in the performance of Emergency work.

(d) Holiday celebrations held on July 4~~,~~ and December 31 to January 1, without the need for a permit, except that this exemption shall not apply and an authorized Village employee may enforce the provisions of Section 17-7 if the celebration is injurious to human health or welfare.~~or~~

(e) Holiday celebrations held on other Holidays, but solely to the extent authorized by and subject to the conditions set by resolution of the Village Council, as adopted after a public hearing:

(1) If conducted for social, noncommercial purposes at private residences; and/or

(2) If conducted at restaurants or hotels.

Any violation of the conditions of the resolution shall cause a waiver of the exemption and shall constitute a violation of this chapter.

Sec. 17-6. Enforcement.

This chapter shall be enforced by the Village Police Department or any other official of the Village authorized to enforce this chapter.

Sec. 17-7. Penalties.

(a) Generally. Any authorized Village ~~police officer~~employee who finds a violation of this chapter, shall issue a verbal warning to the violator requiring immediate correction of the violation. If the violation is not corrected immediately by the violator after issuance of the verbal warning, the ~~police officer~~authorized Village employee shall issue a citation to the violator requiring immediate correction of the violation, and shall impose a fine in the amount of $150.00 for which the violator shall be liable. If the violation is not corrected immediately by the violator after issuance of the citation, the ~~police officer~~authorized Village employee shall issue a second citation and shall impose an additional fine in the

amount of $350.00. In the event that the violation continues after issuance of the second citation to the violator, the violation shall constitute a public nuisance and may subject the violator to arrest by a Village police officer pursuant to State law.

(b) Additional notice requirements for violations of section 17-3(f). For citations issued under section 17-3(f), Construction, if the violator is not the property owner or the property owner's authorized representative, a copy of each citation shall be provided to the property owner or the property owner's authorized representative. If the violation is caused by a subcontractor involved in Construction, a copy of the citation shall also be provided to the general contractor of the work. Further, the general contractor and subcontractor shall be cited and be responsible for a violation of section 17-3(f).

(c) Repeat violations. Repeat violations of section 17-1 or section 17-3 of this chapter shall be subject to enhanced fines as authorized for repeat violations by F.S. 169.02(2)(a).

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this _____day of _____, 2004.

PASSED AND ADOPTED on second reading this ____ day of _____, 2004.

_____
Robert Oldakowski, Mayor

Attest:

_____
Conchita H. Alvarez, CMC
Village Clerk

Approved As to Form And
Legal Sufficiency:

_____
Village Attorney

F:\100\103001\Ordinances\Noise Ordinance.doc

ORDINANCE NO. _____

AN ORDINANCE OF VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 17 "NOISE ORDINANCE" BY CREATING SECTION 17-8 "RINGING BURGLAR ALARMS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the _____; and

WHEREAS,

IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Code Amended. That the Village Code of the Village of Key Biscayne, Florida, is hereby amended[1] by creating Section 17-8 "Ringing Burglar Alarms," to read as follows:

Sec. 17-8. Ringing burglar alarms.

(1) Definitions.

(a) *Burglar Alarm System.* Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the Police Department may reasonably be expected to respond, but does not include fire alarms or alarms installed in motor vehicles.

(b) *Burglar Alarm User.* Any person or other entity that owns, possesses, controls, occupies, or manages any Premises as defined below.

(c) *Premises.* The building or structure or portion of a building or structure upon which is installed or maintained a Burglar Alarm System.

1/ Proposed deletions from existing Village Code text are indicated by ~~strike through~~; proposed additions to existing Village Code text are indicated by underline.

(2) Registration of a Burglar Alarm System and fee.

(a) Registration of Burglar Alarm Systems. All Burglar Alarm Systems which operate at locations within the Village of Key Biscayne shall be registered with the Key Biscayne Police Department by the user. The user shall complete and submit to the Police Department an initial registration or an annual registration renewal with the appropriate fee. Initial registration shall be necessary to register any Burglar Alarm System which is not currently registered with the department or upon a change in the user of a Burglar Alarm System. The registration shall indicate the name and telephone number of the owner of the Premises and a person whom the Village may contact to disengage a ringing Burglar Alarm System.

(b) Annual registration fee. Effective with registrations for registration periods beginning on or after the effective date of this section, there shall be an annual registration fee of twenty-five dollars ($25.00) for all Burglar Alarm System registrations. Separate Burglar Alarm Systems require separate registrations. The registration period will be for one year.

(c) Change in registration information. In the event of a change in any of the information required as part of the initial or annual registration, the user shall notify the Key Biscayne Police Department of the change. An updated registration shall be filed within ten (10) days of any change.

(d) Application of funds. Funds collected under this section shall be applied to the operational costs and enforcement of this ordinance.

(3) Required equipment in a Burglar Alarm System. A Burglar Alarm System User shall not use a Burglar Alarm System unless that Burglar Alarm System is equipped with:

(a) A backup power supply that will become effective in the event of power failure or outage; and

(b) A device that automatically silences the alarm within fifteen (15) minutes after activation.

(4) Penalties. This section shall be enforced as provided in Section 17-7 of the Village Code, except that if the owner or occupant of the Premises where the Burglar Alarm System is located or the emergency contact indicated on the registration is not available on the Premises to silence the false alarm, the authorized Village employee may immediately issue a citation.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason

be held to invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this _____day of _____, 2004.

PASSED AND ADOPTED on second reading this ____ day of _____, 2004.

_____
Robert Oldakowski, Mayor

Attest:

_____
Conchita H. Alvarez, CMC
Village Clerk

Approved As to Form And
Legal Sufficiency:

_____
Village Attorney

F:\100\103001\Ordinances\Noise Ordinance - False Burgler Alarms.doc

17-3(c) Commercial / Hotel

NOISE ORDINANCE REVIEW COMMITTEE (NORC)
WEDNESDAY, JANUARY 21, 2004
6:00-8:00 p.m.

VILLAGE HALL/POLICE STATION
COMMUNITY ROOM #120

1. Attendance

2. Approval of Minutes:
   a. November 19, 2003 - OK as Amended
   b. December 17, 2003 - OK

   BUB Address Commercial or Purpose + Dialogue + Different Views + Minority Report OK

   17-3c

   Need ~~[illegible]~~ + Commercial Hotel ~~[illegible]~~ Private Clubs

3. Review of Section 17-5 Exemptions OK

4. Review of Section 17-6 Enforcement OK

5. Review of Section 17-7 Penalties OK

6. Review of New Section 17-8 Burglar Alarms

7. Committee reviews the ordinance that was approved in previous meetings and votes to reconsider items:

   Section 17-3(h) Loudspeaker and sound amplification
   Section 17-3(f) Construction

8. Approval of Revised Schedule

9. Public Comment

10. Next Meeting Date

AMMENDMENT TO MINUTES OF THE MEETING HELD NOVEMBER 19TH, 2003

4- Noise Ordinance 17.3(C)

Further discussion of Key Biscayne Noise Ordinance 17.3 (C) followed:
Motion to reduce the audible distance to 50 ft in the case of single-family homes was seconded but did not pass. Therefore "plainly audible at a distance of 100 feet " remains. Discussion followed regarding duplexes and multi family, places of worship, and private clubs. After discussion a motion was introduced to include duplexes, multi family, and places of worship in 17.3 (C) was second and approved.

Discussion followed regarding private clubs and it was decided to leave discussion of this item for next month meeting.
Also discussion of commercial establishments (hotels and restaurants) was postponed for next month meeting.

NOISE ORDENANCE REVIEW COMMITTEE
MEETING MINUTES
November 19, 2003
By: Jose F. Penichet
Co-Secretary

1. Meeting called to order by Chair: Serge Barder

   A. Appointed members in attendance:

   Serge Barder
   Luis Arrondo
   Ana Brenann
   Ramon Rodriguez
   Clinton Archambult
   Jose F Penichet
   Bill Pickell

   B. Also in attendance:

   Jud Kurlancheek, Dir. B.P.Z.
   Alex Palenzuela, Village Attorney
   Officer Ismaeloff, KB Police Department

2. **Old business:**

   A. Review and discussion of Minutes of Meeting November 19.
   B. Motion to reconsider Key Biscayne Noise Ordinance 17.3 (P & Q) "Leaf Blowers later in the meeting was approved, but was not discuss due to lack of time.
   C. Key Biscayne noise ordinance 17.3 (F) to be discussed at next meeting.
   D. Next meeting scheduled for December 17th, 2003 at 6:00 P.M.

3. Key Biscayne noise ordinance 17.3 (C) "Radios, Televisions…" Discussion to reduce the audible distance from 100 ft. to 50 ft. following the Miami Beach Noise Ordinance. After a lengthy discussion chair Serge Barder made a motion to approve audible distance of 50 ft. was seconded but was defeated.

4. Key Biscayne Noise Ordinance 17.3 (A).
   Discussion to add to the definition of **excessive noise** " at all times" (as per Miami Beach Noise Ordinance Section 46.152) followed. Motion was made, Seconded but not approved. ??

   Further discussion of Key Biscayne Noise Ordinance 17.3 (C) followed. Motion to reduce the audible distance to 50 ft. in the case of single families

5. Comments from the public:

Residents attending:

Michael Steffens, Sands Condo
Silvia & Carlos Bernstein, Sands Condo

At the beginning of the Meeting Michael Steffens, resident of the Sands Condominium, presented a letter with copies to all members addressed to the Key Biscayne Noise Ordinance Review Committee. This letter addressed one of the many violations of the noise ordinance, and his frustration with the police and Ritz manager's response.

Comments:

All the resident attending express their views regarding the serious and continue noise problem created by outside music from the Ritz and the Beach Club.
Comments were made concerning the opposition of some members of the Noise Committee to recommend more strict ordinances such as the Miami Beach one.

Noise Ordinance Review Committee
Meeting Notes from December 17, 2003
By: Clinton Archambault
Co-Secretary

I. Meeting called to order by Chair: Serge Barder

A. Appointed members in attendance.

Luis Arrondo	Bill Pickell	
Jose Penichet	Clinton Archambault	
Michael Carsch		Ramon Rodriguez
Ana Brennan	Serge Barder	

B. Also in Attendance:
Representative for Jud Kurlancheek, Dir. Of B.P.Z.
Alex Palenzuela-Mauri, Village Attorney
Lt. Nick Ismailoff, Village Police

II. Old Business.

A. Review and discussion of Minutes from Meeting of November 19, 2003.

1. Due to various changes needed in the November 19, 2003 minutes, it was moved and approved that those minutes will be amended, and re-presented at next meeting for approval.

B. Village Attorney, Alex Palenzuela presented to Committee the amended Code in reference to Home Burgler Alarms.

C. Next meeting scheduled for January 21, 2004 @ 6:00PM.

III. Opinion from Chair-Serge Barder

A. Serge Barder presented opinion that committee was divided in its view of present Noise Ordinance, and that Committee should be split into two sub-Committees.

B. Discussion followed regarding role of Committee, and make of Key Biscayne community.

Discussion Highlights:

-Ramon Rodriguez questioned Chair's assertion that Committee was formed to make Ordinance more rigid. He stated that he has received opinions from many members of community and that they were happy with present ordinance.

-Luis Arrondo did not believe that it was a good idea to bring differing views to Village Council. He stated that he took issue with the article written by Serge Barder in The Islander News.

-Jose Penichet felt it was disturbing that all Key Biscayne residents could not enjoy "Quality of Life" in regards to an enforceable Noise Ordinance. He pointed out that Miami Beach has a stricter Noise Ordinance then Key Biscayne, and that it protects the quality of life for all residents.

-Ana Brenann asserted her idea that Committee was designed to reach a consensus opinion between members. She proposed that committee conduct survey of Residents to identify position of entire community. She stated that she believes Community does not favor a stricter Ordinance. She took issue with Chair regarding discussion between herself and member of Public during Public Comment. She felt she had been insulted and that Chair should have defended her to Public.

-Serge Barder commented that he agreed and that no one on committee really had an idea of how community feels.

-Clint Archambault stated that Committee agrees on almost all aspects of the Noise Ordinance and has made good progress. He proposed that in regards to the very few issues where there is disagreement, the committee present the differing views to Council for Community input and Guidance.

-Ramon Rodriguez made point that Committee is only charged with making recommendations.

C. **Serge Barder moved to split the Noise Ordinance Committee with two differing opinions.**

1. Voted on and did not pass.

D. **Bill Pickell Moved to close debate and move to discuss #17-4.**

1. Voted on and approved.

IV. P ublic Comment.

A. Public comment made to Committee during Discussion:

1. Member of Public commented that we were doing excellent job.

2. Commented that Committee was falling short in giving adequate public notice of meetings to get input. Asserted that Committee was meeting bare minimum in regards to generating public awareness of meetings. Asserted that we should incorporate Public Opinion throughout entire process.

V. Discussion of Key Biscayne Noise Ordinance #17-4 (Cont.)

A. Discussion of time of Special Events and legitamicy of Mayor having final say without appeal.

B. Discussion of intention of #17-4. Discussion of practically of "Prior to 10 day" requirement.

C. Discussion of definition of "Special Event". Considerations of possible modifications to definition in order to be more specific and guard against possible confusion.

VI. Public Opinion

A. Chair again recognized members of Public present for input.

1. Public requested that they be allowed to give opinion before each vote of committee.

2. Public asserted that "Special Permits" did not include events at the Ritz-Carlton Hotel. Suggested that a maximum of one event per year be added to section.

VII.C ontinued Discussion of #17-4

A. Luis Arrondo asserted that the Mayor's privilege to override Noise Ordinance can be appealed to Village Council.

B. Ramon Rodriguez pointed out failure of practicality regarding time constraints when attempting to post public notice for events. He pointed out that there should be a time limit for response to posting of permit

C. Bill Pickell moved to accept #17-4 As-Is.

1. Voted on and passed. Yes-5, No-3.

DT: January 9, 2004

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2, 2003	Committee reviews schedule and approves methodology Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13, 2003	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Review of Key Biscayne Noise Ordinance Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17, 2003	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. Key Biscayne Noise Committee: Review of complaints and violations Review of Key Biscayne Noise Ordinance Sec 17-3 (a) Excessive noise (b) Horns, signaling devices, etc. (d) Animals, birds, etc. (e) Exhausts (f) Construction (g) Firearms and explosives (p) Power tools and landscaping equipment

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
4.	Oct 15, 2003	Review of Key Biscayne Noise Ordinance Sec 17-3 (k) Defect in Motor Vehicle or Motorboat (l)H awkers/peddlers (m) Schools, courts, hospitals, places of religious worship (n) Aircraft (o) Open air concerts, musical broadcasts, etc. (q) Leaf blowers Section 17-4 Permits for Special Events Section 17-5 Exemptions Section 17-6 Enforcement Section 17-7 Penalties Review of complaints and violations
5.	Nov 19, 2003	Section 17-3 (c) Radios, Televisions, Photographs, Musical Instruments, etc. (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification Review of Section 17-4 Permits for Special Events Review of Section 17-5 Exemptions Burglar Alarms - New Section
6.	Dec 17, 2003	Section 17-3 - reconsideration of previously approved sections (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification Review of Section 17-4 Permits for Special Events
7.	Jan 21,2004	Review of Section 17-6 Enforcement Review Enforcement, Section 17-7 Penalties Review of New Section 17-8 Burglar Alarms Final review of the Noise Ordinance Prior to the Committee's Public Hearing
8.	Feb 18, 2004	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the hearing, changes are made, and the ordinance is forwarded to the Village Council.
9.	Mar 17, 2004	Committee appears before Council and requests public hearings (2).
10.	April-May, 2004	Council holds two public hearings.

SPECIAL EVENT PERMITS 2003

Property Address	Master Permit Number	Subsidiary Permit	Scope of Work	qualifier
455 GRAND BAY	se02092401		special event permit: reception and dinner 9/22/2002 hours 7:00 pm to 11:00 pm start set up 5:30 pm with 60 persons ,	
455 GRAND BAY	se02101601		special event permit:PRIVATE PARTY/ BAR ,COCKTAIL AND DINNER 10/18/2002 hours 7:00 pm to 11:00 pm start	
355 glenridge road	se03102401		special event permit:halloween fest with mini carnaval with selient auction10/26/2002 hours 3:00 pm to 7:00 pm start set	
450 PALMWOOD LANE	se03110701		special event permit:HEAT FIREBALL EXPRESS WIL COME TO PLAY BASKETBALL WITH THE KIDS 11/08/02 hours 3:30	
450 PALMWOOD LANE			special event permit:HEAT FIREBALL EXPRESS WIL COME TO PLAY BASKETBALL WITH THE KIDS 11/08/02 hours 3:30	
455 crandon blvd	se03012701		special event permit: beach party OVER 150 ARTISTS, FOOD VENDOR AND COMMUNITY BOOTHS / DATES JAN 24, 2003, 25,	
88 W MCINTYRE ST	se03021001		special event permit: FIRST FLOOR COURTYARD DATES FEB 09, 2003, 1:30 PMTO 5:00 PM FOR GIRLS SCOUT FASHION	
100 HARBOR DR	se03021101		special event permit: st agnes field / for a family picnic FEB 23, 2003, 1:00 PMTO 5:00 PM FOR food , games and music	
355 glenridge raod	se03022801		special event permit: fund raiser ley for life for american cancer march 1st and 2 nd 2003, 11:00 aMTO 6:00 PM	
455 grand bay	SE03041105		special event permit: beach party , music, food, attendance 500 april 19 2003, 5;00: pmTO 11:00 PM , parking will be	

Property Address	Master Permit Number	Subsidiary Permit	Scope of Work	qualifier
795 CRANDON BLVD	se03031401		special event permit: WEDDING CEREMONY AT THE BEACH ATTENDANCE 60 DATE APRIL 5, 2003 TIME 6:00	
795 CRANDON BLVD	SE03031401		special event permit: WEDDING CEREMONY AT THE BEACH ATTENDANCE 60 DATE APRIL 5, 2003 TIME 6:00	
455 GRAND BAY	SE03031405		special event permit: TENT,SYMPHONY 15 TH ANNIVERSARY AT BALLROOM PATIO	
455 GRAND BAY	SE03041106		special event permit: TENT FOR RECEPTION SET ON BALLROOM PATIO AND OCEAN FRONT LAWN WITH MUSIC	
455 GRAND BAY	SE03091801		special event permit: BEACH PARTY OCT 1, 2003 FROM 4:00 PM TO 10 :00 PM WITH LIVE ENTERTAIMEN	
235 CRANDON BLVD	03070301SE		special event permit: BEACH PARTY JULY 4 TH , 2003 FROM 10:00 PM TO 8 :00 PM WITH BAR B Q , POOL PARTY	
455 GRAND BAY	03062001		special event permit: BEACH PARTY JUNE 21 003 FROM 4:00 PM TO 11 :00 PM EXTENDING TO THE SOUTH POOL WITH	
455 GRAND BAY	se03050602		special event permit: wedding june 1, 2003 from 5:30 pm thru midnight scharlin wedding	
village green	se03050601		special event permit: date of event 5/10/03 from 11:30 am thru 1:00 pm. a rally to support the community center , the kids will meet by	
455 grand bay drive	se03081501		special event permit: date of event 8/15/03from 6:00 pm thru 10:00 pm wedding on the beach ceremony on beach with chairs and	barton g

Property Address	Master Permit Number	Subsidiary Permit	Scope of Work	qualifier
301 W ENID DR	se03100101		special event permit: date of event 10/4/03 FROM 3:00 TO 5:00 CLOSE STREET FOR A BIRTHDAY PARTY FOR HER 10	305-361-0572
355 glenridge	se04101701		special event permit: date of event 10/30/03 FROM 4:00 TO 8:00 halloween festival	305-361-7501
455 grand bay drive	se04101702		special event permit: date of event 10/27/03 FROM 6:30 TO 9:30 welcome reception for lab products association for dinner and cocktails	305-365-4225
455 grand bay drive	se04110701		special event permit: date of event 11/0803 TO 11/18/03 FROM 7:00 AMTO 12;00 PM 2003 WELLS	305-576-8888
180 HARBOR DRIVE	se04110702		special event permit: date of event 11/04/03 FROM 7:00 PMTO 12;00 PM MUSICAL EVENT	305-609-6623
MASHTA BRIDGE	SE04111401		SPECIAL EVENT FAMILY GET TOGETHER - FOOD AND DRINKS NOV 9/03 FROM 6:00 PM TO 8:00 PM	CARLOS DE LA CRI
455 GRAND BAY DR	se04120101		special event permit: date of event 12/11/03 FROM 7:00 PMTO 10;00 PM PHARMACETICAL BEACH PARTY	305-365-4225
455 GRAND BAY DR	se04120101		special event permit: date of event 12/10/03 FROM 8:00 PMTO 10;00 PM HOLIDAY BEACH PARTY FOR AMERICAN	305-365-4225
455 GRAND BAY	SE03010201		SPECIAL EVENT TEMPORARY TENT ON PATIO BEHIND HOTEL BALLROOM, VALET PARKING ,	BARTON G
455 GRAND BAY	SE03010201		SPECIAL EVENT TEMPORARY TENT ON PATIO BEHIND HOTEL BALLROOM, VALET PARKING ,	BARTON G

Property Address	Master Permit Number	Subsidiary Permit	Scope of Work	qualifier
WEST ENID AND	SE03011701		SPECIAL EVENT ART FESTIVAL OFFERINGOVER 150 ARTISTS 1/24/03 TO 1/25/03 FROM 10:00 AM	ROTARY CLUB
455 GRAND BAY DR	SE04110303		SPECIAL EVENT 50 GUEST FOR DINNER WITH CALYPSO BAND 11/7/03 FROM 6:00 PM TO 10 pM	SPRINT GROUP
361 REDWOOD LANE	SE03042201		SPECIAL EVENT GET TOGETHER WITH YOUR NEIGHBORS, STEREO WITH SPEAKERS ON PRIVATE	BLOCK PARTY
355 GLENRIDGE RPAD	SE04112402		SPECIAL EVENT SELLING CHRISTMAS TREES FROMT 11/28/03 THRU 12/23./03 3:00 PM TO 9:00 PM	
88 W MCINTYRE ST	SE04112401		SPECIAL EVENT PROJECTION OF ART WORK AND PICTURES ON THE NORTH WALL OF FIRE RESCUE	

NOISE ORDINANCE REVIEW COMMITTEE (NORC)

WEDNESDAY, DECEMBER 17, 2003
6:00-8:00 p.m.

VILLAGE HALL/POLICE STATION
COMMUNITY ROOM #120

1. Attendance

2. Approval of the November 19, 2003 Minutes

3. Review of Section 17-4 Permits for Special Events

4. Review of Section 17-5 Exemptions

5. Review of Section 17-7 Penalties

6. Burglar Alarms - New section

7. Committee reviews the ordinance that was approved in previous meetings and votes to reconsider items:

Section 17-3(h)	Loudspeaker and sound amplification
Section 17-3(f)	Construction

8. Approval of Revised Schedule

9. Public Comment

10. Next Meeting Date

NOISE COMPLAINTS BY YEAR AND TYPE
(2000 TO JULY 3, 2003)

Year	Type	Single Family & Duplex					Apartment					Commercial					Total				
		V	NA	WN	C	Total	V	NA	WN	C	Total	V	NA	WN	C	Total	V	NA	WN	C	Total
2000	Construction (Private)	3	1	1		**5**	6	8			**14**	1				**1**	10	9	1		**20**
	Construction (Public)					**0**					**0**					**0**					**0**
	Delivery Trucks (Private)		4	2		**6**	5	8	1		**14**	5				**5**	10	12	3		**25**
	Delivery Trucks (Public)	1				**1**					**0**					**0**					**0**
	Adult Conversation (Private)	5	4			**9**	14	6			**20**	1				**1**	20	10			**30**
	Adult Conversation (Public)	1				**1**	1				**1**					**0**	2				**2**
	Kids Playing Outside (Private)	2				**2**	5				**5**					**0**	7				**7**
	Kids Playing Outside (Public)	2				**2**	1				**1**					**0**					**3**
	Alarms/Utilities (Private)					**0**	1	1			**2**					**0**	1	1			**2**
	Alarms/Utilities (Public)	1				**1**					**0**					**0**	1				**1**
	Barking Dog/Animal Noise	1				**1**		2			**2**					**0**	1	2			**3**
	Loud Music	63	12			**75**	49	14	1		**64**					**0**	112	26	1		**139**
	Party	15		1		**16**	24	2			**26**					**0**	39	2	1		**42**
2001	Construction (Private)	8	9	9		**26**	5	9			**14**	2	2			**4**	15	20	9		**44**
	Construction (Public)					**0**	1				**1**					**0**	1				**1**
	Delivery Trucks (Private)		1			**1**	5	1	1		**7**	1	1			**2**	6	3	1		**10**
	Delivery Trucks (Public)					**0**		1			**1**					**0**	1				**1**
	Adult Conversation (Private)	5	1			**6**	8	3			**11**					**0**	13	4			**17**
	Adult Conversation (Public)					**0**					**0**					**0**					**0**
	Kids Playing Outside (Private)	2	2			**4**	4	12			**16**					**0**	6	14			**20**
	Kids Playing Outside (Public)	1				**1**	2				**2**					**0**	3				**3**
	Alarms/Utilities (Private)	1	1			**2**	2	4	2		**8**					**0**	3	5	2		**10**
	Alarms/Utilities (Public)	1				**1**		1			**1**					**0**	1	1			**2**
	Barking Dog/Animal Noise	5	4			**9**	1	4			**5**					**0**	6	8			**14**
	Loud Music	54	9	1		**64**	52	8			**60**	2	1			**3**	108	18	1		**127**
	Party	19	2	1		**22**	30	5	1		**36**					**0**	49	7	2		**58**

Legend:
V = Voluntary Compliance
NA = No Action - violation cleared prior to police arrival
WN = Warning notice issued
C = Citation issued

Year	Type	Single Family & Duplex					Apartment					Commercial					Total				
		V	NA	WN	C	Total	V	NA	WN	C	Total	V	NA	WN	C	Total	V	NA	WN	C	Total
2002	Construction (Private)	30	8	2		40	11	6			17					0	41	14	2		57
	Construction (Public)	1				1					0					0	1				1
	Delivery Trucks (Private)					0	4	5			9	2	1			3	6	6	1		13
	Delivery Trucks (Public)					0					0					0					0
	Adult Conversation (Private)	3	3			6	7	1			8					0	10	4			14
	Adult Conversation (Public)	1				1	1				1					0	2				2
	Kids Playing Outside (Private)	1	1			2	6	6			12	1				1	8	7			15
	Kids Playing Outside (Public)					0					0					0					0
	Alarms/Utilities (Private)	4	2			6	4	3			7					0	8	5			13
	Alarms/Utilities (Public)					0					0					0					0
	Barking Dog/Animal Noise	10	9			19		1			1					0	10	10			20
	Loud Music	36	11			47	33	11	1		45	4				4	73	22	1		96
	Party	30	4	5		39	45	10			55					0	75	14	5		94
2003	Construction (Private)	14	10	2		26	9	4	1		14	2				2	25	14	3		42
	Construction (Public)					0					0					0					0
	Delivery Trucks (Private)					0	2	3			5	1	1			2	3	4			7
	Delivery Trucks (Public)					0					0					0					0
	Adult Conversation (Private)	2	1			3	5	2			7					0	7	3			10
	Adult Conversation (Public)					0					0					0					0
	Kids Playing Outside (Private)		3			3	1	3			4		1			1	1	7			8
	Kids Playing Outside (Public)					0					0					0					0
	Alarms/Utilities (Private)	1	1			2	3	2			5					0	4	3			7
						0					0					0					0
	Alarms/Utilities (Public)	3	1	1		5					0					0	3	1	1		5
	Loud Music	10	4			14	24	7			31		1			1	34	12	1		46
	Party	25	4			29	32	2	1		35					0	57	6	1		64
Total		361	112	25	0	498	403	155	9	0	567	22	8	0	0	30	784	274	36	0	1096

Legend:
V = Voluntary Compliance
NA = No Action - violation cleared prior to police arrival
WN = Warning notice issued
C = Citation issued

DT: December 9, 2003

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2, 2002	Committee reviews schedule and approves methodology Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Review of Key Biscayne Noise Ordinance Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. Key Biscayne Noise Committee: Review of complaints and violations Review of Key Biscayne Noise Ordinance Sec 17-3 (a) Excessive noise (b) Horns, signaling devices, etc. (d) Animals, birds, etc. (e) Exhausts (f) Construction (g) Firearms and explosives (p) Power tools and landscaping equipment

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
4.	Oct 15	Review of Key Biscayne Noise Ordinance Sec 17-3 (k) Defect in Motor Vehicle or Motorboat (l)H awkers/peddlers (m) Schools, courts, hospitals, places of religious worship (n) Aircraft (o) Open air concerts, musical broadcasts, etc. (q) Leaf blowers Section 17-4 Permits for Special Events Section 17-5 Exemptions Section 17-6 Enforcement Section 17-7 Penalties Review of complaints and violations
5.	Nov 19	Section 17-3 (c) Radios, Televisions, Photographs, Musical Instruments, etc. (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification Review of Section 17-4 Permits for Special Events Review of Section 17-5 Exemptions Burglar Alarms - New Section
6.	Dec 17	Section 17-3 - reconsideration of previously approved sections (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification Review of Section 17-4 Permits for Special Events Review of Section 17-5 Exemptions Review of Section 17-7 Penalties Burglar Alarms - New Section
7.	Jan 21,2003	Final review of the Noise Ordinance Prior to the Committee's Public Hearing
8.	Feb 18	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the hearing, changes are made, and the ordinance is forwarded to the Village Council.
9.	Mar 17	Committee appears before Council and requests public hearings (2).
10.	April-May	Council holds two public hearings.

VILLAGE OF KEY BISCAYNE
NOTICE OF PUBLIC MEETING REGARDING THE NOISE ORDINANCE REVIEW COMMITTEE (NORC)

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON DECEMBER 17, 2003, 6:00 P.M., IN THE VILLAGE HALL/POLICE STATION, COMMUNITY ROOM #140 (FIRST FLOOR), 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR TO THE BUILDING, ZONING, AND PLANNING DIRECTOR AT 88 W. MCINTYRE STREET, KEY BISCAYNE, FL 33149.IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5511, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS OF THE VILLAGE COUNCIL MAY BE ATTENDING THIS MEETING.

Posted in the Village Hall December 10, 2003