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ORDINANCE NO. 110672

An ordinance of the City of Gainesville, Florida, amending Chapter 15 of the Code of Ordinances of the City of Gainesville relating to the regulation of noise; amending Sec. 15-3, Prohibited acts, to provide identical noise restrictions for commercial and noncommercial amplified sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Commission meeting room, first floor, City Hall in the City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 15-3(d)(3), Prohibited acts, Code of Ordinances of the City of Gainesville, is amended to read as follows:

Sec. 15-3. – Prohibited acts.

(d) *Specific prohibitions.* In addition to the general prohibitions set out in subsection (a), and unless otherwise exempted by this chapter, the following specific acts, or the causing or permitting thereof, are hereby regulated as follows:

(3) *Loudspeakers and public address systems.*

1 a. ~~No person shall operate, or permit the operation of, any loudspeaker, public~~
2 ~~address system or similar device, for any commercial purpose.~~

3 1. ~~Which produces, reproduces or amplifies sound in such a manner as to~~
4 ~~create a noise disturbance; or~~

5 2. ~~During nighttime hours on a public right-of-way or public space.~~

6 b. No person shall operate, or permit the operation of, any loudspeaker, public
7 address system or similar device, for any ~~noncommercial~~ purpose, during
8 nighttime hours in such a manner as to create a noise disturbance.

9 **Section 2.** Section 15-3(e)(7), Exemptions, Code of Ordinances of the City of
10 Gainesville, is amended to read as follows:

11 (e) *Exemptions.* The following uses and activities shall be exempt from the sound level
12 regulations except the levels provided in Table I and Table I-A:

13 (7) Any nonamplified noise generated by ~~noncommercial~~ public speaking activities
14 conducted on any public property or public right-of-way pursuant to legal authority.

15 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
16 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
17 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be renumbered
18 or relettered in order to accomplish such intentions.

19 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
20 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
21 finding shall not affect the other provisions or applications of the ordinance which can be given

1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **Section 5.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **Section 6.** This ordinance shall become effective immediately upon final adoption.

6 **PASSED AND ADOPTED** this 19th day of July, 2012.

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CRAIG LOWE
MAYOR

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality

MARION J. RADSON
CITY ATTORNEY

*Attorney, in
absence of Marion
J. Radson*

This Ordinance passed on first reading this 21st day of June, 2012.

This Ordinance passed on second reading this 19th day of July, 2012.