Committee of the Whole

March 8, 2021

Present: Council President King; Committee Members Baltzell, Buxton, Clausen, Fleck; Lochtefeld, Scott, and Sovinski; Safety-Service Director Hitchcock; Mayor Hazel; Auditor Strawn; Law Director Moore, and Bill Kincaid, The Daily Standard.

Council President King called the Committee of the Whole meeting to order at 5:55 pm.

Law Director Moore explained there are multiple ways to deal with noise ordinances. If there is no decibel level associated with the noise, you could fall back on disorderly conduct regulations. The City’s regulations state no person should cause inconvenience, annoyance or harm to another, which includes unreasonable noise.

CM Sovinski stated this has been on the books for a long time. This discussion has been generated by new equipment at a business. Theoretically there are a lot of violations that no one complains about. Director Hitchcock stated there has not been many complaints. The business has built an enclosure around the unit that caused the issue, which lowered the noise level. However, the noise level is still one decibel over the regulation. CM Sovinski stated he would like someone to do further investigation by testing current decibel levels and be able to hear the actual noise level of the decibel levels.

CM Buxton stated this is complaint driven and asked if this noise level was continuous. He thinks a breakdown of length of noise and times could be an option.

Director Hitchcock stated the City just purchased a decibel reader this past year. Most complaints are neighborhood disagreements. He recommended the noise complaints be handled by the Police Department and taken away from the Engineering Department.

CM Sovinski stated he believes a decibel reading is more enforceable. He can understand setting the noise Ordinance higher to be used on more critical situations.

CM Lochtefeld asked if disorderly conduct violations would be a reasonable route in commercial settings, if the noise ordinance is appealed. Law Director Moore stated there could be a scenario if a commercial setting is problematic. Mayor Hazel stated the biggest concern is there is a level of subjectivity.

Law Director Moore answered several questions posed by Council Members.

CM Sovinski recommended the ones who need to enforce the violation (Law Director and police department) make the determination if the current decibel levels are reasonable.

CM Clausen stated the level of time of the noise violation should be determined. A continuous violation average over a certain period of time should be enforced, as compared to a one-time violation.

Administration will look at bringing legislation to council to establish regulations for a time period of the noise.

President King adjourned the meeting at 6:41 pm.

Submitted by Joan S. Wurster, Clerk of Council