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Memorandum

DATE: November 9, 2001
TO: The Urbana City Council
FROM: Mayor Satterthwaite
RE: Special Event and Noise Permits

Recent events have prompted Council discussion about how to deal with noise and street closing issues related to events held out of doors. Members of the Administration, from Legal, Public Works, and Police Departments, have gotten together to review the issues involved, and believe that it may be possible to come up with a workable solution that includes the following concepts:

1. A "special event" would be defined as any event held in a fixed location that requires closure of public right-of-way or public property. Any activity or event that does not meet that definition would otherwise be subject to Urbana's existing noise ordinance. If a special event permit is issued, noise from that event is allowed as an exception to the noise ordinance as provided below.

2. A permit would be required for any special event. The permit would cover issues such as traffic routing, barricades, fencing, security, hours of operation, amplified music, etc..

3. Of those items, the most controversial and difficult to work with is noise in the form of amplified sound. Some of the concerns and our suggested solutions are as follows:

The primary concern related to amplified sound is its effect on residential neighborhoods. This concern arises both in the context of the volume of the noise and the hours at which it can be heard. Our current noise ordinance prohibits any amplified sound being audible beyond the property line of the premises where the noise is being generated. We vigorously enforce that, and violators are routinely fined.

In the context of the special event proposal, we can deal with both the location and the volume as follows. Special event permits would be available only for certain nonresidentially zoned areas, such as B3, B4, and more intense zoning designations. The permit would prohibit noise of such volume that it could be heard beyond a certain perimeter established by the City, such as by designating a certain number of blocks or by prohibiting it from being heard in any residentially zoned area.

Permits or violations based on decibel levels are very difficult to administer and enforce, and have been tried in the past by the City, without success. However, if Council wishes to go in this direction, it is suggested that, whatever the permit fee is, the fee should be boosted by a sufficient amount to cover the cost of properly trained and qualified individuals to perform monitoring with decibel meters or similar equipment.

In addition, reasonable noise-related restrictions would include restrictions as to time so that no amplified noise could be produced before a certain hour and after a certain hour. With appropriate restrictions on whether the noise can reach residential areas at all, the time-frame restriction becomes far less important. However, it seems quite clear that amplified noise tends to carry further in the morning, evening, and night. This may be because those are more placid times of the day when other ambient noise is at much lower levels, or because people are simply more sensitive to noise disturbances at those hours. Noise restrictions for week nights (i.e., Sunday night through Thursday night) should be earlier than for weekend (Friday and Saturday nights). For true community events, sensible cut-offs would seem to be 9:00 p.m. on week nights and 10:00 p.m. on weekend nights.

4. Permits would appropriately call for fees that would cover logistical matters such as any enhanced security or law enforcement presence that would be required, and operational matters such as barricades and fencing. In addition, where an admission fee is charged for use of right of way or city property, and profit to private businesses or entities is being generated, the fee might be designed to keep a share of that for the citizenry. Alternatively, the permit could be set up so that noise permits are available only if there is no charge to the public for attendance at the event on public property or public right of way.

5. Enforcement. Noise violations at the level made by individual homeowners such as overly rambunctious parties, can be difficult to enforce. That problem is greatly compounded in the context of a permit that allows the making of noise with much more powerful equipment than is usually used at even the more raucous homes. For that reason, enforcement becomes even more difficult as the scope of the violations would become much greater as well. In addition, where the special event is motivated by a profit, an operator of this special event could well decide that a nominal fine is nothing more than a cost of doing business, and decide to deliberately violate the ordinance and absorb the cost of the fine, because the worst fine would be far more than offset by the increased profits that result from louder concert-type events. Accordingly, effective enforcement would likely have to include both:

- (a) Fines that are substantial enough to deter the bulk of the violations; with the permit holder being required to put up some sort of security or performance bond to ensure payment of any fine; and
- (b) Ability of the law enforcement authorities to require that the amplified noise be turned off when violations occur.