	Council Communication Office of the City Manager	Date	November 5, 2007
		Agenda Item No. 35 **Roll Call No.** <u>07-</u> **Communication No.** <u>07-669</u> **Submitted by: Richard A. Clark, City Manager**	

AGENDA HEADING:

Resolution establishing a temporary moratorium on issuance of yearlong sound permits.

SYNOPSIS:

Recommend approval of a temporary moratorium on issuing yearlong sound permits under Municipal Code Section 42-257 to take effect immediately upon adoption of the resolution and to remain in effect until January 28, 2008 or until a new or amended sound ordinance is approved.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

At the Council Workshop of October 29, 2007 staff recommended that Council place a moratorium on the issuance of yearlong sound permits. Staff has received numerous complaints from citizens regarding noise from sound equipment used in conjunction with sound permits causing noise disturbances at their residences throughout the City of Des Moines.

The ordinance currently allows for issuance of yearlong sound permits for amplified sound in C-3 Central Business Districts to be measured at no more than 100 dBAs at a distance of 50 feet from the sound equipment. Staff believes that these sound levels and the yearlong permits are excessive, and a review of the sound ordinance as it relates to sound levels, length of time permits are allowed to run, as well as other provisions in the ordinance, is necessary to insure that the City of Des Moines has a balance between the business use of property for entertainment and the peaceful enjoyment of residential dwellings.

A temporary moratorium on issuing yearlong sound permits is a necessary measure to insure no new yearlong permits are issued that would prolong the noise disturbance issue and will give staff sufficient time to review and appropriately amend or rewrite the sound ordinance to address these issues.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Staff to review and recommend to the City Council on or before the January 28, 2008, the appropriate changes to the sound ordinance and a schedule for the implementation of the those changes.