



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Police
 To: City Council
 From: City Manager & Staff
 Council Meeting Date: February 15, 2016
 Re: Report – Downtown Noise Enforcement

Executive Summary

Councilman Thomas requested a report to include: current laws regarding peace disturbance; the Columbia Police Department's enforcement strategy regarding peace disturbances; and violation history (party noise late at night from the rooftop) coming from Harpo's, 29 Tenth Street South.

Discussion

Within the last ten years, there has been a dramatic increase in the number of people living in and frequenting the downtown area. The higher population density poses natural conflicts to include peace disturbance due to music and voices. With the addition of more housing in The District these issues will likely continue to increase.

The City noise ordinances applicable to the downtown area:

Sec. 16-256. - Loud noises prohibited. This ordinance makes it unlawful to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. It does not apply to sounds from any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound or to shouting, singing, whistling or verbal utterances. Those noises are governed by ordinances 16-258.1 and 16-259, respectively.

Sec. 16-258.1. - Radios, phonographs, etc. in the downtown area. The boundaries of The District are identified and defined within the ordinance. 29 Tenth Street South is included within those boundaries. Ordinance 16-258.1 restricts the playing of music by radio, stereo, musical instrument, etc. It provides the following times and distances for guidance:

[Music that] is plainly audible at the following distances from the building, structure or outdoor area where the device is located at the following times:

300 feet Sunday through Wednesday from 7:00 a.m. to 10:00 p.m.

150 feet Sunday through Wednesday from 10:00 p.m. to 1:30 a.m.

300 feet Thursday through Saturday from 7:00 a.m. to 11:00 p.m.

150 feet Thursday through Saturday from 11:00 p.m. to 1:30 a.m.

50 feet every day from 1:30 a.m. to 7:00 a.m.

Sec. 16-259. - Shouting, etc. This ordinance makes it unlawful to shout, sing, whistle or make any verbal utterance or noise at a volume that disturbs the peace, quiet or comfort of the neighboring inhabitants. Shouting, singing, whistling or making other verbal utterances or



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noises between 11:00 p.m. and 7:00 a.m. that is plainly audible at a distance of fifty (50) feet from the building, structure or outdoor area in which the person is located shall be prima facie evidence of a violation of this section.

CPD ENFORCEMENT STRATEGIES

It is the intent of the Columbia Police Department and the Downtown Unit to provide sufficient education of the peace disturbance ordinances to the public, via a warning, prior to taking enforcement action. Officers have discretion in the enforcement of the peace disturbance ordinances, and a warning is not required prior to making an arrest. The enforcement of peace disturbance ordinances in the Downtown area is largely complaint-based with the exception of establishments that have had a history of repeated complaints and are clearly in violation.

The Columbia Police Department and the Downtown Unit takes the following mitigating and aggravating variables into consideration: special event which has a road closure permit, a business with prior warnings for peace disturbance, a suspect with prior warnings for peace disturbance, a complainant with prior reports of peace disturbance.

VIOLATION HISTORY FOR HARPO'S

29 Tenth Street South, Harpo's, has a rooftop patio area, which is a popular attraction for this business. There have been a total of eleven calls regarding peace disturbance for this location in the last two years (2014-2015). These calls spanned nine dates (repeat complaints on two dates). Six of the complaints were from the same complainant, two were from complainants who refused to give their name or wanted to remain anonymous, and three were from other separate complainants. One of these calls resulted in a summons being issued to management of Harpo's. This occurred on 10/17/2015. CPD has not received any peace disturbance complaints about the business since that date.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision & Strategic Plan Impact

Vision Impacts:

Primary Impact: Downtown, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:



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Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

| Date | Action |
|------------|--|
| 09/08/2015 | Councilman Thomas requests report regarding Downtown noise enforcement strategies. |

Suggested Council Action

No action needed. This is informational.

Sec. 16-256. - Loud noises prohibited.

- (a) It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. This subsection shall not apply to sounds from any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound. This subsection shall not apply to shouting, singing, whistling or verbal utterances.
- (b) The acts described in this division, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive.

(Code 1964, § 7.265; Ord. No. 20630, § 1, 5-17-10)

Sec. 16-258.1. - Radios, phonographs, etc. in the downtown area.

- (a) As used in this section, "Downtown area" means the area included within the following boundaries:

Beginning at the intersection of Providence Road and Ash Street; thence east along the centerline of Ash Street to the centerline of Tenth Street; thence north along the centerline of Tenth Street to the centerline of Park Avenue; thence east along the centerline of Park Avenue to the southwest corner of Lot 3 of Harbison's Addition and COLT Railroad Administrative Plat; thence clockwise around the boundary of Lot 3 of Harbison's Addition and COLT Railroad Administrative Plat to a point opposite the centerline of Orr Street; thence south along the centerline of Orr Street to the centerline of Ash Street; thence east along the centerline of Ash Street to the centerline of College Avenue; thence south along the centerline of College Avenue to the centerline of Locust Street; thence west along the centerline of Locust Street to the centerline of Hitt Street; thence south along the centerline of Hitt Street to the centerline of Elm Street; thence west along the centerline of Elm Street to the centerline of Watson Place; thence south along the centerline of Watson Place to an east-west alley; thence west along the centerline of the alley to the centerline of Ninth Street; thence north along the centerline of Ninth Street to the centerline of Elm Street; thence west along the centerline of Elm Street to the centerline of Providence Road; thence north along the centerline of Providence Road to the point of beginning.

- (b) It shall be unlawful to play or permit to be played, in the downtown area, any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound in a manner that either:
 - (1) Unreasonably disturbs the peace, quiet or comfort of any person in or outside the downtown area, or
 - (2) Is plainly audible at the following distances from the building, structure or outdoor area where the device is located at the following times:
 - 300 feet Sunday through Wednesday from 7:00 a.m. to 10:00 p.m.
 - 150 feet Sunday through Wednesday from 10:00 p.m. to 1:30 a.m.
 - 300 feet Thursday through Saturday from 7:00 a.m. to 11:00 p.m.

150 feet Thursday through Saturday from 11:00 p.m. to 1:30 a.m.

50 feet every day from 1:30 a.m. to 7:00 a.m.

- (c) Sounds escaping from the opening of exterior doors for entry and exit shall not constitute a violation of this section. This subsection shall not apply to sounds escaping from a door that has been propped open.
- (d) Subsection (b) shall not apply to any sounds generated in connection with an event or activity for which the city council has authorized a street closure.
- (e) Subsection (b) shall not apply to any sounds generated in compliance with a noise permit issued by the city manager. The city manager is authorized to issue noise permits for special occasions such as University of Missouri home football games and outdoor festivals.
- (f) Except as allowed in division 2 of this article, it shall be unlawful for the operator of any vehicle to play or permit to be played any sound producing or sound amplifying device in or on the vehicle so that it is plainly audible at a distance of fifty (50) feet from the vehicle from 7:00 a.m. to 10:00 p.m. and five (5) feet from the vehicle from 10:00 p.m. to 7:00 a.m.
- (g) It shall be unlawful to play or permit to be played, outdoors in the downtown area, any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound, before 7:00 a.m. on any day or after 10:00 p.m. Sunday through Wednesday or after 11:00 p.m. Thursday through Saturday.

(Ord. No. 20630, § 1, 5-17-10)

Sec. 16-259. - Shouting, etc.

- (a) It shall be unlawful to shout, sing, whistle or make any verbal utterance or noise at a volume that disturbs the peace, quiet or comfort of the neighboring inhabitants.
- (b) Shouting, singing, whistling or making other verbal utterances or noises between 11:00 p.m. and 7:00 a.m. that is plainly audible at a distance of fifty (50) feet from the building, structure or outdoor area in which the person is located shall be prima facie evidence of a violation of this section.

(Code 1964, § 7.280; Ord. No. 18941, § 1, 3-6-06)