



MEETING DATE: 06/21/16
ITEM NO: 19

DESK ITEM

COUNCIL AGENDA REPORT

DATE: JUNE 21, 2016

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: DISCUSS AND ADOPT THE POLICY COMMITTEE'S RECOMMENDATION FOR AN ENTERTAINMENT POLICY ALLOWING ENTERTAINMENT BY RIGHT BEFORE 10:00 P.M. GIVEN COMPLIANCE WITH THE CURRENTLY ADOPTED NOISE ORDINANCE IS MET AND ALLOWANCE FOR LATE NIGHT ENTERTAINMENT AFTER 10:00 P.M. WITH AN APPROVED PERMIT.

REMARKS:

After the distribution of the Town Council packet, staff received questions from a Council Member. The questions are in bold followed by staff's response.

In addition, a request was made for the Noise Zone Maps, which are attached to this Desk Item as Attachment 3. It should be noted that Town Code Section 20.16.025 (contained in Attachment 2 of the original staff report) cites that within commercial zones the allowance for ambient noise is increased by eight (8) dB above the noise level specified for that particular noise zone, as shown on the Noise Zone Map, during that particular time frame, at any point outside of the property plane.

How would the proposed Policy differ from the existing situation?

The proposed Policy enables establishments to offer entertainment with the guidance provided in the draft Policy. Currently, the Code is silent on this point, which implies it is not allowable, unless an individual Conditional Use Permit (CUP) has specific provisions regarding entertainment. In addition, several CUPs over the last few years have been crafted and approved with a reference to complying with the Town's forthcoming Entertainment Policy.

PREPARED BY: MONICA RENN
Economic Vitality Manager

Reviewed by: N/A Assistant Town Manager Town Attorney Finance

How would complaints be made, investigated and measured for "before 10 p.m." entertainment? How would complaints be made, investigated and measured for "after 10 p.m." entertainment? For each of the questions, above, what is the time frame between the complaint and investigation? Specifically, how would compliance work?

The enforcement of the current noise ordinance would not change.

All complaints, whether before or after 10 p.m., would be submitted to the Town's Code Compliance staff. The public can use the "concern" button on the Town's website (which receives complaints 24/7), call in during business hours, or call dispatch after business hours.

A Code Compliance inspector will inspect the situation at the earliest availability. For example, if the Nighttime Community Service Officer (CSO) is on duty, dispatch would ask her to investigate and this could occur within minutes or hours. The CSO would use a calibrated noise meter to take a noise measurement at the property line of the establishment that is generating a noise. If the reading exceeds the noise standard, then she will talk to the proprietor and ask them to lower the volume to meet the Town Code. As appropriate, she may need to coordinate the response with the Police Department depending upon the circumstances, level of cooperation, etc. If the CSO is not on duty, then the Police Officers on patrol will investigate as is practical depending on other calls for service and other priorities within minutes or hours of the call.

The Town would use its enforcement tools if a business had repeat violations, including fines and penalties. If a business had a violation after 10 p.m., the Town could revoke the late night entertainment permit following a public hearing as spelled forth in the draft Policy.

Are businesses currently having entertainment even though not part of the CUP?

The only businesses currently allowed to have entertainment are those with Conditional Use Permits that explicitly allow it, or entities with an approved amplified sound permit associated with a special event. The Town has not received complaints of unauthorized businesses offering entertainment.

Attachments 1- 2 (Previously distributed with Staff Report on June 16, 2016):

1. Draft Entertainment Policy
2. Town Code Section 20.16.025

Attachment 3 received with this Desk Item:

3. Noise Zone Maps