

Dear Mayor and City Council:

As you may know, the un-revised ordinance was posted to the City website under the link for “revised”. So, my comments at the last workshop were somewhat premature.

I’m concerned that the current draft does not subject commercial establishments that serve alcohol or food, or presenting live or recorded music to the nighttime dBA limit of 50, or following the daytime logic for these uses, 45dBA.

While the “plainly audible” inside with windows and doors standard should be as drafted, these establishments **should still be subject to the overall noise limits**. Without that, many will be able to play music that is far louder than the general nighttime limit.

Asking neighbors to retreat into their homes and close the windows and doors at night does not fulfill the goal we heard the council support—people should be able to reasonably enjoy their outdoor spaces—even after 9pm!

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I believe that the ordinance would be more effective if it read:

B. The maximum permissible sound level limit for all sound admitted from the commercial establishment, including but not limited to, amplified or non-amplified sound and patron noise, indoors or outdoors shall be 55 dBA during daytime hours **or 45dBA during nighttime hours** when measured at or within the property line of an affected person. During nighttime hours, sound admitted from the commercial establishment, including but not limited to, amplified or non-amplified sound and patron noise, indoors or outdoors may not be plainly audible inside the dwelling of an affected person, with all windows and doors of the dwelling of the affected person closed.

Thank you for your consideration.

Scott

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Scott Lerman