

**CITY OF DERBY**

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**ORDINANCE REVIEW ADVISORY BOARD  
REGULAR MEETING  
August 18, 2009  
6:00 P.M.**

**APPROVED MINUTES**

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Betty Wilken presiding.

**ROLL CALL**

Dan Billman  
Jeff Boone, absent  
Rick Brown  
Betty Wilken  
Van Willis

Also Present: Stephanie Knebel, Assistant City Manager  
Robert Lee, Police Chief  
Doug Chambers, Deputy Police Chief  
Carolyn Morrison, Secretary

**Agenda Item #1 – Approve Minutes**

**MOTION:** Willis moved to approve minutes of regular meeting July 21, 2009.  
Wilken seconded.

**VOTE:** Motion failed 2-0, Boone absent, Brown abstain, Billman abstain.

**Agenda Item #2 – Update on Special Events Permit**

Knebel conveyed the Library Board's motion concerning the special events permit and their vote to not support it. The Library Board did not offer any recommended changes to the ordinance. The Economic Development Board also discussed the special event permit and their motion to advise ORAB and the City Council that the ordinance would provide minimal economic development impact to the City of Derby. The Park Board gave a written statement stating they are not supportive of this ordinance at either park locations but were supportive in terms of the library and DRC. The DRC board is still reviewing the proposed ordinance. DRC staff asked for additional time to look at the ordinance. Senior Services Advisory Board postponed discussion at their last monthly meeting and will take it up at their September meeting. At their August 11 meeting the City Council initially thought they would like to bring community discussion to a close, but after discussion they felt that they should let the advisory boards continue their work.

Brown asked what the senior services interest is in this?

Knebel stated she took it to them because the seniors are a group that would use all three locations.

### **Agenda Item #3 – Noise Ordinance**

Knebel advised that this ordinance was drafted in preparation of future community events, especially at High Park, which is adjacent to residential zoning. The draft ordinance has been forwarded to the DRC.

Doug Chambers gave background on the ordinance. He said Lt. Queen researched the ordinance and looked at setting maximums for level of noise and set a standard for what levels should be. Lt. Queen basically took the Wichita ordinance and narrowed it down to what was applicable in Derby. There are some exemptions and one of the biggest is Section 5, i. There are some exemptions like football games, fireworks displays which are pretty impossible to control.

Willis suggested that in Section 6 we should add misdemeanor and not felony.

Brown asked about definition of household tools and construction noise – someone working on construction project late in the evening?

Chamber advised there is nothing in here to prevent it – after 10 p.m. it would have to be under 50 decibels. We will add a section to the Uniform Public Offense Code which will come back to ORAB in the future, which will talk about sound, i.e., unusual loud noise which would create a nuisance – it's more subjective than what we are talking about tonight.

Brown stated aircraft is on here but train traffic could also be under this section.

Chambers stated that actually falls under federal guidelines.

Billman asked if the city would be exempt from city sponsored events such as fireworks?

Chambers replied yes, they would be exempt.

Willis asked 7 a.m. – 10 p.m. – how do we determine those times?

Chambers replied that was the way it was written in Wichita and we thought they were reasonable hours.

Lee stated that these hours have been tested in court in Wichita and there are a lot of municipalities that use these time frames.

Willis asked if we have looked at any future business development here as far as what type of impact this would have on businesses coming into the area?

Chambers said the decibel levels in the ordinance are the same as what Wichita has in place.

Willis asked about the ending time – 10 p.m. concert in the summertime, what is wrong with taking it to midnight?

Lee replied the issue he would see is that there are going to be a lot more people trying to sleep.

Lee stated that what drives it is the time you start getting complaints and it seems like most people think that 10 p.m. is the time that you should stop.

Brown said it wouldn't hurt to have some examples of what the decibel levels are.

Chambers said the cost to implement this ordinance would be the cost of a couple of meters – the cost is probably about \$100 each.

Billman asked how far away would you be?

Chambers stated on the property line of the person complaining.

Lee corrected that it would actually be on property that the noise source is located.

Willis would really look at the proposed ordinance hard to make sure we are not prohibiting commerce in any way.

Willis asked if it was possible to give code enforcement the meter and have them go to different locations and measure sound levels.

Lee stated the police department would get some sample readings.

Billman feels that if these are levels, we don't have anything compared to them.

Knebel advised that this ordinance will be brought back to you at the October meeting.

#### **Agenda Item #4 – Legislative Update**

Knebel gave a legislative update to the Council at their last meeting and wanted this board to be aware of what issues they would see in the future.

Meeting adjourned at 6:48 p.m.