

MEMO

TO: City Council

FROM: Police Chief Michael Schirling
Karen Vastine, Community Justice Center
Richard W. Haesler, Jr., Esq., City Attorney's Office

RE: Noise Ordinance Report – 12 month update

DATE: December 1, 2010

This is a brief memo to update Council regarding the status of the Noise Ordinance which was amended last November as an 18 month pilot. The principal change made was to eliminate mandatory community service provisions from the Parties and Social Noise sections of the Ordinance. Public Hearings held by the Ordinance Committee at the time of the changes revealed that these provisions had proven to be unenforceable under the existing administrative structure which exists in Vermont for municipal ticketing via the Judicial Bureau. Individuals who paid the fine to the Judicial Bureau were having their cases closed out independent of any indication of community service completion. Additionally, it appeared that this case closure for fine paid at the Judicial Bureau was having a chilling effect on incurring individuals charged with Noise violations to participate in the reparative process at the Community Justice Center (CJC). That referral process dried up to a point where the Noise panel was simply closed down. The ordinance was therefore changed to incent CJC participation by way of reduced fines for participation in the program.

The CJC reports that the new provisions have resulted in a successful revival of the Noise panel. There are one or two panels held monthly and since last November, there have been 57 individuals who have completed their contracts with the CJC for Noise referrals (compared to 0 in the year preceding). The Police Department reports that there has been a greater enforcement of the Noise provisions generally this year and ticket issuance is up. Final figures are not available to be contrasted with prior years (as many cases are still not resolved via payment or CJC participation). We will, however, include such information in our final report next June, where we anticipate (assuming continued positive numbers) recommending that the ordinance provisions be continued on as they appear now.