

06B29019 NOISE ORDINANCE

NARRATIVE

Primary Author: DERUITER, MICHAEL Rpt date: Jul 11, 2006 1:28AM

Appvd: 172

I went to a noise complaint at the ACOUSTIC TAVERN (R1). According to the RP, the front door to the tavern was open and music was loud. The RP tried to phone the tavern but no one answered. The RP did not want contact.

I could hear the music from the corner of N State & Rose streets. It turned out to be one fellow playing a keyboard & singing. He was positioned near the open front door. There were only about 4 people inside the tavern. One of the 4 was the owner, JAMES HARDESTY (C1). It was HARDESTY's birthday.

I explained the noise ordinance to HARDESTY. He was frustrated but agreed to comply.

Nothing further.

06B30578 NOISE ORDINANCE**NARRATIVE****Primary**Author: **LANDRY, DAMON**Rpt date: **Jul 20, 2006 11:11PM**Appvd: **223**

On 7/20/06 at about 2310hrs I responded 902 N State St, ACOUSTIC TAVERN (R1), for a loud music complaint. MICHAEL GURELE (V1) and DON ANDERSON (V2) both reported loud music coming from the tavern. The door to the business was reported to be open and DON ANDERSON (R3) asked the door be closed.

Upon my arrival at ACOUSTIC TAVERN (R1) I saw the door was in fact open and the musical guest was positioned next to the door. The music did not seem to be excessive, just poor placement of the musical instruments. I spoke with JAMES HARDESTY (C1) who is fully aware of the City Ordinance and is working with other business owners, preparing a proposal for the City Council requesting the law be revised for the CBD.

JAMES HARDESTY (C1) agreed to have the door closed.

06B30417 NOISE ORDINANCE

NARRATIVE

Primary Author: DEARBORN, KATRIN Rpt date: Jul 20, 2006 12:03AM

Appvd: 228

On 07/20/2006 at approximately 0002 hours I responded to a noise complaint at ACOUSTIC TAVERN (R1). When I arrived I parked approximately 20 feet away from the business and could not hear any noise. I walked up to the business and saw that the business' door was open. I could not hear the noise until I reached the front door.

I went inside and spoke with the owner, JAMES HARDESTY (C1). When he saw me he just shook his head and said "Again?" I explained to him that the noise was not bad but I just wanted to ask him to shut the door and tell him there had been a complaint.

JAMES HARDESTY (C1) told me that he was frustrated and had been walking across the street every time he opens the door to his business to make sure that the volume is not too high. JAMES HARDESTY (C1) stated that he often turns the volume down after walking across the street.

I told JAMES HARDESTY (C1) that he appeared to be making an effort and to just be conscious about having the door open to his business. JAMES HARDESTY (C1) stated that he understood.

06B33303 NOISE ORDINANCE

NARRATIVE

Primary Author: **KELSH, DANIEL** Rpt date: **Aug 05, 2006 11:52PM**Appvd: **217**

On 08/05/06, at 2351 hours, I was dispatched to the ACOUSTIC TAVERN (R1), 902 N State St., for a noise complaint report. CHRISTINE MUSSEN (R2), at 839 N State St unit 305, complained about the door being open with loud music being heard.

On arrival, I could clearly hear loud live music coming from the inside of the ACOUSTIC TAVERN (R1). The door was propped open. It appeared that persons in the building across the street would be able to hear the music clearly.

I contacted JAMES HARDESTY (C1), employee at the ACOUSTIC TAVERN (R1). I'd spoke with JAMES HARDESTY (C1) several weeks earlier about a similar complaint. At that time, JAMES HARDESTY (C1) mentioned that it would be difficult to close the door because he had an extension cord running from the inside of the business out to a neon light on the outside of the business.

I explained to JAMES HARDESTY (C1) this evening that a complaint came in about the door being open, and I asked him to close the door. JAMES HARDESTY (C1) agreed, but complained that it was the same person calling in from apartment 208 across the street this time as last time. I explained to JAMES HARDESTY (C1) that I did not know who was calling in but did not believe it was the same person. JAMES HARDESTY (C1) insisted it was the same reporting party this time.

I wondered whether or not the door was left open for ventilation in the bar and asked JAMES HARDESTY (C1) if he didn't have air conditioning. JAMES HARDESTY (C1) said he did have air conditioning, but I did not find out why the door was left open this time.

JAMES HARDESTY (C1) told me he was going to "push it," regarding this noise issue, and said "they live downtown," as an explanation that people who live downtown have to accept noise from bars.

I began to explain briefly the noise ordinance to JAMES HARDESTY (C1) and how it does not have any variance regarding downtown businesses. JAMES HARDESTY (C1) said he was working on getting the noise ordinance changed.

JAMES HARDESTY (C1) willingly closed the door this evening (which appeared to eliminate noise out onto the street noticeably), but finished by saying something to the effect that "Judge Ira was playing at the ACOUSTIC TAVERN (R1) on August 26th, that it was going to be loud, and that JAMES HARDESTY (C1) was going to leave the door open for that night."

06B35508 NOISE ORDINANCE

NARRATIVE

Primary

Author: HART, JAY

Rpt date: Aug 19, 2006 11:03PM

Appvd: 211

I responded to the ACOUSTIC TAVERN (R1), 902 N State St, regarding a noise ordinance violation. MICHAEL-PAUL GURULE (V1) called to report the music coming from the ACOUSTIC TAVERN (R1) was disturbing him.

When I arrived, I could hear the music coming from the bar while standing next to MICHAEL-PAUL GURULE (V1)'s apartment building. The door to the bar was open. For a bar, I did not believe the music was unreasonably loud. I contacted MICHAEL-PAUL GURULE (V1) who said this has been an ongoing problem. He said when the bar closes the door, the music does not disturb him as much. He said the problem arises when the door is left open, or when people enter and leave.

I contacted JAMES HARDESTY (S1) who identified himself as the owner of the ACOUSTIC TAVERN (R1). He told me he would not shut the door, nor would he turn the music down. JAMES HARDESTY (S1) had told me the previous night that the City knew what kind of business he was going to be operating when he went through the permit process. He said he was simply operating a business and not doing anything wrong. JAMES HARDESTY (S1) told me he was aware of the noise ordinance municipal code and is currently working to have that changed.

I contacted MICHAEL-PAUL GURULE (V1) again and advised him I was not going to issue JAMES HARDESTY (S1) an infraction at this time. MICHAEL-PAUL GURULE (V1) said he understood. He said he is more interested in finding a long term solution to the problem.

06B36145 NOISE ORDINANCE

NARRATIVE

Primary Author: VODOPICH, BERNARJ Rpt date: Aug 23, 2006 10:50PM

Appvd: 218

On 8/23/06 at 2249hrs, I responded to a noise complaint at ACOUSTIC TAVERN (R2). The caller, MICHAEL-PAUL GURULE (R1), was reporting that the front door to the business was again open, and that the music from inside was very loud. On my arrival I parked across the street from the ACOUSTIC TAVERN (R2). The door was open, and I could hear the music emanating from the business. The music could be heard at my location, but I did not feel that it was excessive.

I attempted to contact MICHAEL-PAUL GURULE (R1), in order to go to his apartment to see what the volume of the noise was at his location to make a full determination of the situation. I could not reach MICHAEL-PAUL GURULE (R1), who was the only complainant on this night.

I did contact ACOUSTIC TAVERN (R2) owner, JAMES HARDESTY (C1). I advised him that there was again a complaint about the volume of the music coming from his establishment. JAMES HARDESTY (C1) was very open to talking about the issue, but also felt that as a business owner he should have the right to have his door open. We discussed the noise ordinance which he understands, but does not agree with in the downtown business area.

I suggested to JAMES HARDESTY (C1) that since the complaints were mostly reported at about 2300hrs, that he try might shut the door at 2230hrs, as a compromise with the neighbors. JAMES HARDESTY (C1) was open to this, and said that he would make attempts to get the doors closed earlier in the evening.

06B46120 NOISE ORDINANCE**NARRATIVE****Primary** Author: JOHNSTON, MICHAEL Rpt date: Oct 26, 2006 11:43PM

Appvd: 117

10-26-2007

Received a report of noise coming from ACOUSTIC TAVERN (R1), 902 N State St. I arrived and the door to the tavern was open and loud music from a band was coming out onto the street. I contacted JAMES LELAND HARDESTY (C1), the manager of the tavern. He immediately started to complain about the call and the nearby apartments. I told him that with the door open, it was disturbing the peace and he needed to shut the door. JAMES LELAND HARDESTY (C1) said the city's noise ordinance was "stupid" and the police had better things to do.

I asked him how long the band was going to play and he said they had no time limit. I told him he needed to keep the door closed. He said that people would be coming and going from the door. I told him I understood that, but he needed to keep the door shut. I advised him that further complaints could lead to further action.

JAMES LELAND HARDESTY (C1) said that he was going to change the ordinance. I told him that was fine, but until the ordinance changed, we would be responding to calls by the public.

Longarm shows 15 calls to ACOUSTIC TAVERN (R1) since April 2006.

07B22520 NOISE ORDINANCE

NARRATIVE

Primary Author: JOHNSTON, MICHAEL Rpt date: Jun 01, 2007 10:23PM

Appvd: 117

Report of loud music at ACOUSTIC TAVERN (R1). I contacted the owner JAMES LELAND HARDESTY (C1) who had the door to his business open. You could hear the music due to the band being at the front door. JAMES LELAND HARDESTY (C1) said it was a warm evening but he would shut the door. JAMES LELAND HARDESTY (C1) was cooperative and said he would make sure the door was closed when patrons were not entering or leaving.

07B26217 NOISE ORDINANCE

NARRATIVE

Primary Author: STEWART, SCOTT Rpt date: Jun 25, 2007 11:21PM

Appvd: 227

JAMES LELAND HARDESTY [deleted as per 10.97.080] for Public Noise Disturbance. [deleted as per 10.97.080].

At approx. 2321 hours, I responded to a report of a noise complaint coming from the ACOUSTIC TAVERN (R1). MICHAEL-PAUL LYNN GURULE (V1), who lives across the street, reported that the front doors to the ACOUSTIC TAVERN (R1) were propped open and loud music could be heard coming from within. I am very familiar with the on-going issue of noise coming from the ACOUSTIC TAVERN (R1) as well as the apparent lack of respect and disregard for others in the community by owner, JAMES LELAND HARDESTY ([Deleted as per 10.97.080]).

I parked at the intersection of Rose Street and N. Forest and could hear loud music coming from below on N. State Street. I then moved my car to the corner of N. State Street and Rose Street where I could hear loud music coming from the ACOUSTIC TAVERN (R1). The front doors were again propped open and the music was coming from within. MICHAEL-PAUL LYNN GURULE (V1), lives across the street and the music bounces off the condominium he lives in. JAMES LELAND HARDESTY ([Deleted as per 10.97.080]) continually props the door open while music is playing inside but when confronted states that the doors are only open momentarily while patrons and/or musicians are leaving. This was not the case again tonight as patrons could be heard and seen yelling and singing along with the band that was playing inside.

As I pulled up out front the music stopped and the doors were shut by an unknown person. I have personally seen at the ACOUSTIC TAVERN (R1) as recently as May 10, 2007 where I arrested JAMES LELAND HARDESTY ([Deleted as per 10.97.080]) for Disorderly Conduct. As this last contact did not go well and the doors were now shut, I phoned the ACOUSTIC TAVERN (R1) and requested to speak to JAMES LELAND HARDESTY ([Deleted as per 10.97.080]). A person identifying himself as JAMES LELAND HARDESTY ([Deleted as per 10.97.080]) answered the phone and I advised him that I would be again citing him for Public Noise Disturbance. I advised him that he has been issued numerous infractions for noise in the past and this time I was issuing a criminal citation as it was not his first citation. I explained that the citation would contain a court date and that he would need to go to court on that day. JAMES LELAND HARDESTY ([Deleted as per 10.97.080]) stated that he didn't care if he received another citation and that I was just harassing him. JAMES LELAND HARDESTY ([Deleted as per 10.97.080]) also stated that he welcomed the citation and had no intention of changing the way he runs his business.

JAMES LELAND HARDESTY ([Deleted as per 10.97.080]) was cited for Public Noise Disturbance (2nd offense).